









COLLECTIONS  
OF THE  
MASSACHUSETTS HISTORICAL SOCIETY.

*Committee of Publication.*

CHARLES C. SMITH.  
MELLEN CHAMBERLAIN.  
ROBERT C. WINTHROP, JR.

# COLLECTIONS

OF THE

## MASSACHUSETTS HISTORICAL SOCIETY.

SIXTH SERIES.—VOL. IX.

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MASSACHUSETTS HISTORICAL SOCIETY,

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Henry Adams, A.B.	

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arranged in the order of their election, and with date of death.*

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Horatio Hale, A.M. . . . .	Dec. 29, 1896.

## P R E F A C E.

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PIERRE BAUDOUIN, a Huguenot of La Rochelle — by tradition a man of good family and some fortune — fled from France to Ireland at the period of the Revocation of the Edict of Nantes, and ultimately found his way to New England, where his name was gradually anglicized to Peter Bowdoin. He died in Boston in 1706, leaving two sons, of whom the elder, John, settled in Virginia, founding there a family of much respectability; while the younger, James, became the richest merchant of his day in Boston, where he died in 1747. The younger of the two surviving sons of the last-named was one of the distinguished men of the American Revolution, a detailed account of whose career may be found in a published Address on the Life and Services of James Bowdoin, delivered at Bowdoin College in 1849 by a late President of this Society.\* It is only necessary to say of him here that he was born in Boston, August 7, 1726; graduated at Harvard in 1745; married, Sept. 15, 1748, Elizabeth, daughter of Hon. John Erving; became a merchant, a member of the Legislature, and the intimate friend of Benjamin Franklin; sat in the Council of Massachusetts from 1757 to 1774, and again in 1776–1777; was elected in 1774

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\* See Addresses and Speeches by Robert C. Winthrop, vol. i. pp. 90–133; and Washington, Bowdoin, and Franklin, a subsequent volume by the same author.

one of the five delegates to the Continental Congress ; was Chairman of the Committee for promulgating the Declaration of Independence in Boston ; was President of the Convention to frame a Constitution for Massachusetts in 1779 ; was one of the founders of the American Academy of Arts and Sciences in 1780, and its President from that year until his death ; was Governor of Massachusetts in 1785 and 1786 , and a member of the State Convention to ratify the Constitution of the United States in 1788. He died in Boston Nov. 6, 1790, aged 64, leaving a son and daughter.

The only son of the preceding, generally known as the third James Bowdoin, though not so distinguished as his father, was a man of some note. Born in Boston, Sept. 22, 1752, he graduated at Harvard in 1771, and was subsequently at Christ Church, Oxford. After devoting a good deal of time to foreign travel, he followed the example of his father and grandfather, and became a Boston merchant ; married, May 18, 1781, Sarah, only child of his uncle, Hon. William Bowdoin ; became a benefactor of Bowdoin College, in Maine, which had been named after his father ; sat in the Massachusetts Legislature ; was a personal friend of Thomas Jefferson and James Madison, the former of whom appointed him United States Minister to Spain in 1805, and subsequently Associate Minister to France. After a residence of several years in Paris at a most interesting period, he returned home in 1809, and died Oct. 11, 1811, at his seat of Naushon Island, aged 59. With him ended the male line of the Boston Bowdoins, but by the provisions of his will, and the will of his widow (who became the second wife of Gen. Henry Dearborn), the name of Bowdoin was successively assumed by various descend-

ants of Governor Bowdoin's only daughter, Elizabeth, who, so far back as January 20, 1767, had married John Temple, then Surveyor-General of Customs for the Northern district of America, later Sir John Temple, baronet.

This gentleman was the second surviving son of a Captain Robert Temple, who came to this country in 1717, founded a Scotch-Irish settlement on the Kennebec, and ultimately established himself near Boston, where he married a daughter of John Nelson, built a house on Noddle's Island, subsequently acquired the estate of Ten Hills Farm so long associated with Governor Winthrop, and died there in 1754, leaving a numerous family. His son John was born in Boston in August, 1732, but went early to England, where he received much kindness from the Grenville family, to whom he was doubly though distantly related, his father having represented a younger branch of the Temples of Stowe, of whom Richard Grenville, Earl Temple, was heir-general, and his mother having descended from the Temples of Stantonbarry, another branch of the same prolific stock. Through the Grenville influence John Temple obtained, in 1760, the Surveyor-Generalship of Customs above-mentioned, and in the following year the less important post of Lieutenant-Governor of New Hampshire. The spirit and activity shown by him in detecting abuses in the Revenue Service met with general approbation, but he incurred the enmity of Sir Francis Bernard, then Governor of Massachusetts, whom he accused of corruption. In 1767 his office became merged in a newly created Board of Customs for North America, of which he was one of the five Commissioners; but as his colleagues were friends of Bernard, while his own intimacies were with the popular party, there ensued much

friction, and in the autumn of 1770 Temple was superseded, probably by the influence of Bernard, who had returned to England. Seeking redress in London, he was refused further employment in America, but after some delay obtained the post of Surveyor-General of Customs in England, with a good salary, from which, after having held it less than two years and a half, he was summarily dismissed in 1774, Lord North refusing him any explanation. As the dismissal of Dr. Franklin occurred at the same time, Temple was naturally accused of having been associated with Franklin in transmitting to Boston the famous letters of Governor Hutchinson, a charge which led to his well-known duel with William Whately.\*

For the next ten years he remained out of office. Lord Temple and George Grenville were both dead, and the latter's son, afterward Marquis of Buckingham, could for the time being do nothing for him. He passed his time chiefly in England, occasionally on the Continent, making two separate visits to America of some duration, and all the while endeavoring, by means of his intimacy with leading men of both countries, to bring about a better state of feeling between the mother country and the colonies. He had a difficult part to play, and it is not surprising that his efforts were unsuccessful. The son-in-law of Bowdoin and the friend of Franklin, he was naturally regarded with distrust by Lord North, while his English associations and his relationship to the Grenvilles inspired little confidence in Boston and Philadelphia. After the Treaty of Peace, however, he was made Consul-

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\* The only reference to this duel found among these papers is in a letter from Mrs. John Temple (dated at London, March 3, 1774) to her brother James in Italy. In it she speaks of the distress the affair had caused her, and alludes to an account of it which she had previously written him. This account would appear to have miscarried.

General to the United States with a large salary, a position which he held for thirteen years, making his principal residence at New York, where he exercised much hospitality. He died there Nov. 17, 1798, aged 66, leaving the reputation of a warm-hearted man, whose impulsive temper had sometimes involved him in bitter controversies, but who was a great favorite with his friends and much beloved by his family. His elder brother Robert having left no male issue, he had become, in 1782, the head of his branch of the Temples, and four years later he was notified by Lord Buckingham that their mutual kinsman, Sir Richard Temple, seventh baronet of Stowe, had died childless, and that he (John Temple) was next in succession.\* The estate of Stowe had long been separated from the title, but this he promptly assumed, and it is still borne by a descendant of his in the fourth generation. His two sons (one of whom took the name of Bowdoin) preferred to live in England, but his widow removed from New York to Boston, in order to be near her elder daughter, who had married, in 1786, Thomas Lindall Winthrop, afterward President of this Society.

Mr. Winthrop successively administered the estates of the widow and son of Governor Bowdoin, of Sir John and Lady Temple, and of other members of his wife's family. He thus came into possession of a mass of Bowdoin and Temple papers, which, with his other family-papers, passed at his death, in 1841, to his youngest son, the late Hon. Robert C. Winthrop. The latter, being then detained in Congress by public business, was unable to give personal attention to the breaking up of his father's establishment, and the result was the disappearance of the larger part of

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\* For this and other letters of the Marquis of Buckingham, see Proceedings, vol. ix. pp. 69-80.

these Bowdoin and Temple manuscripts, which were discovered, more than fifty years later, by our associate, Robert C. Winthrop, Jr., in a forgotten chest, originally supposed to contain only probate accounts. This explanation is necessary in order to show why Hon. Robert C. Winthrop did not many years ago place the whole body of the papers at the Society's disposal, instead of contenting himself with communicating the selections which are to be found scattered through our volumes of Proceedings. The entire collection stretches over the period from 1750 to 1811. Including many letters and papers already to be found in print in various forms, but not including strictly family-letters, it is now contained in five large folio volumes of original correspondence, two letter-books, and several smaller volumes of miscellaneous papers, to say nothing of a variety of printed matter which has been turned over to the Society's library.\*

As so many letters from this great mass of papers have been printed in the Proceedings from time to time, very few of which are also contained in the present volume, it has been thought desirable to append a reference to the places where such letters may be found. They are as follows:—

Vol. iii. p. 179		Vol. xii. pp. 207-211
iv. 120		226-230
v. 237-248	xiii.	153, 154
348-356		237-240
465-485	xiv.	232, 233
vi. 356-361	2d Series iv.	66
vii. 291-297	viii.	60-64
viii. 85-87		288-290
ix. 7-12	xi.	178
69-80		

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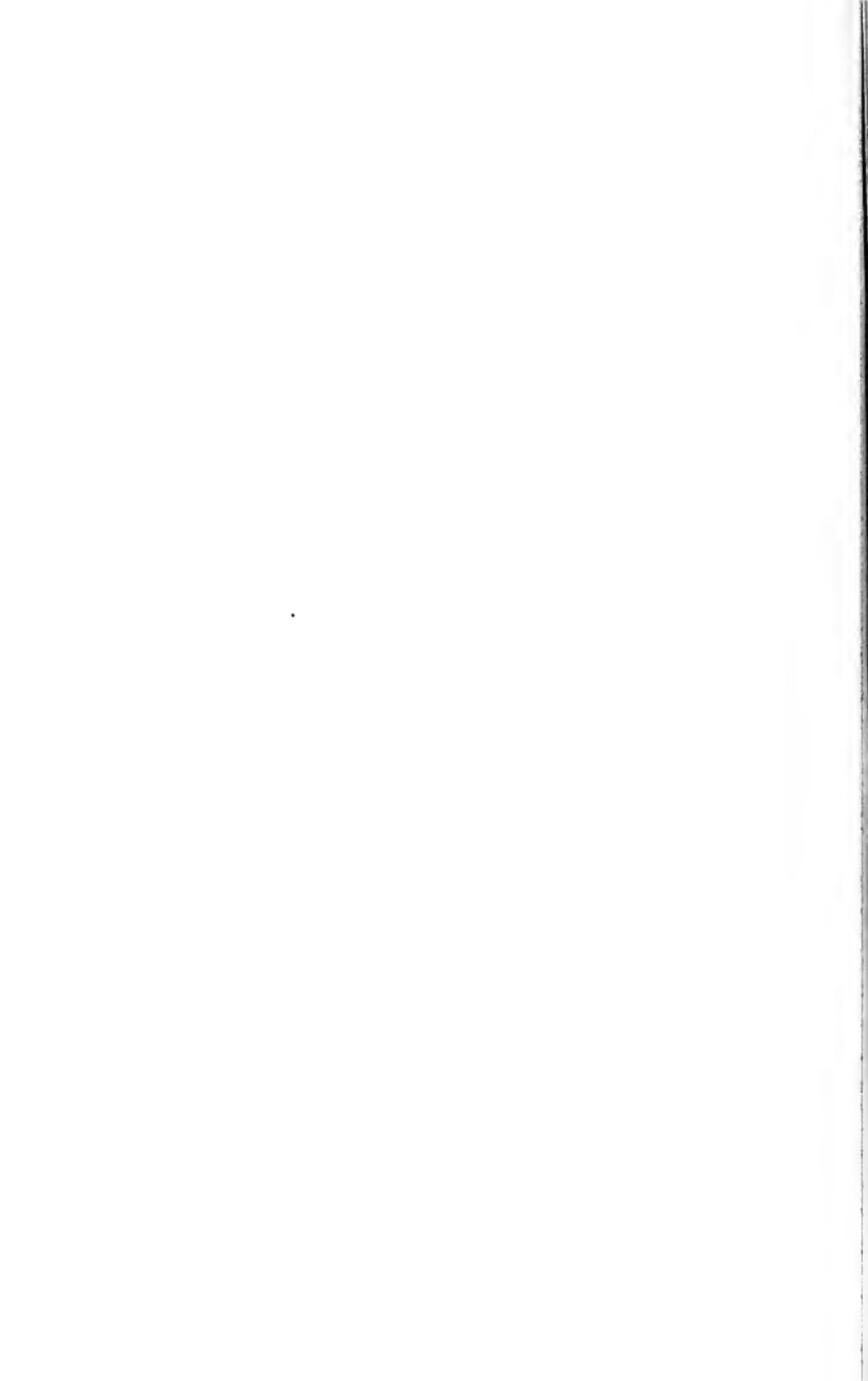
\* For some further account, see 2 Proceedings, vol. viii. pp. 59-63, and 518.

The letters and other documents now printed extend over the period from July, 1756, to Nov., 1782, and relate almost wholly to public affairs, though there are a considerable number of private letters which place in a pleasant light the personal relations of prominent actors in the contest between Great Britain and the Colonies. The important letters of William Bollan to the Council of Massachusetts or to committees of that body are printed from the originals, or from duplicates or triplicates, which probably remained in the hands of Mr. Bowdoin as a leading member of the Council. All have the autograph signature of Mr. Bollan. Most of the answers are printed from rough draughts, of which many are in the handwriting of Bowdoin or with additions or corrections by him. Bowdoin's own letters are printed from his rough draughts or from copies made by himself in a very small and neat hand. Mr. Temple, on the contrary, was a very careless writer, though evidently fond of using his pen; and many of his copies are mere scrawls. Among the other letters in the volume are not a few of much historical interest and importance, — such as the letters to and from Thomas Pownall, and especially the very interesting series of letters from Thomas Whately to John Temple. It is much to be regretted that copies of so few of Temple's letters to Whately were preserved. As they are not in his Letter-Book, it is probable that they were copied on separate sheets of paper which have since disappeared.

BOSTON, March 15, 1897.



THE BOWDOIN AND TEMPLE PAPERS.





THE  
BOWDOIN AND TEMPLE PAPERS.

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GEORGE GRENVILLE\* TO PASCHAL NELSON.†

WOTTON, July y<sup>e</sup> 18<sup>b</sup>, 1756.

DEAR SIR, — Your letter of the end of last month did not reach me so soon as it otherwise woud have done, as I was then gone abroad upon a visit to Lord Egremont, & I delayd giving an answer to it till I knew how far I coud obey your commands. At my return from Petworth I spoke to my brother, M<sup>r</sup> Obrien,‡ who is the only person I can easily speak to at the Treasury Board about such busyness. He has since informd me that he has enquird about the appointment of M<sup>r</sup> Temple,§ your nephew, to be Controller of the Customs at New York, that it is not yet come to the Treasury, that when it does come he will use his good offices to get it confirmd if there is no other positive engagement made of it. I shall be very glad if it can contribute to his success as I shall allways interest myself in every thing that relates to you & your family, & am very truely, dear Sir,

Your most faithfull & obedient humble servant.

GEORGE GRENVILLE.

PASCHAL NELSON, Esq<sup>e</sup>.

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\* At this time Grenville was not in office, having been dismissed from the lucrative post of Treasurer of the Navy in November, 1755. — EDS.

† Second son of the first John Nelson (1654-1734), was a graduate of Harvard College in the class of 1721. He died unmarried in London July 19, 1759. — EDS.

‡ Percy Wyndham O'Brien was one of the Lords of the Treasury in the administration of the Duke of Newcastle. He was a brother of George Grenville's wife and of Charles Wyndham, Earl of Egremont. He took the name of O'Brien in pursuance of the will of an uncle, Lord Thomond, in the Irish peerage. — EDS.

§ John Temple; his mother (Mehitabel) was a sister of Paschal Nelson. — EDS.

## JAMES BOWDOIN TO JAMES ERVING.\*

BOSTON, Oct<sup>o</sup> 17, 1759.

S<sup>r</sup>, — I rec<sup>d</sup> your favor of the 30<sup>th</sup> July, with an account of your arrival at London after an agreeable passage, which gave me a great deal of pleasure. I am much obliged to you for the magazines you sent, among which was the Royal Magazine (the 1<sup>st</sup> N°) which you'll be pleased to send me for every month as it shall be published. I have already acquainted you with the taking of Niagara, Carilon, & Crown Point, and have now to congratulate you on the reduction of Quebec which surrender'd the 17<sup>th</sup> ult. in consequence of the glorious action that happen'd on the 13<sup>th</sup>, when Wolfe became immortal. I need not mention the particulars, as you must have them in a more direct manner before this can reach you. We had upon this occasion (the last evening) the most general & most brilliant illumination that was ever seen in America.† We are in hopes Gen<sup>l</sup> Amherst will complete this good work by the reduction of Montreal: he proceeded down Lake Champlain the 11<sup>th</sup> inst. with 4,500 men to remove the French from St John's, where they are very strongly intrenched upon an island. If he succeeds there & Gen<sup>l</sup> Gage (who was the 8<sup>th</sup> inst<sup>t</sup> at Oswego) should go seasonably down Cataraqui so as to meet him at Montreal we may expect that Montreal may be reduced; tho Vaudreuil, who has 10,000 men with him, if he acts with

\* Mr. Bowdoin's brother-in-law, third son of John Erving, who was one of the richest merchants in New England. He died in the West Indies, unmarried. — EDS.

† "The Province-House, Court House, and the Houses in all Parts of the Town were beautifully illuminated; and several Windows presented to View some ingenious Representations: A Number of large Bonfires formed in a pyramidal Manner were on several Eminences in the Town; and an Abundance of extraordinary Fire-Works were play'd off in almost every Street: more especially the greatest Quantity of Sky-Rockets ever seen on any occasion. — In short, as the Consequence of such a Victory, with which Heaven has bless'd his Majesty's Arms, must be so happy to us in an especial Manner, so the Rejoicings were the greatest ever known, an universal Joy appearing in Persons of all Ranks, tho' not without some alloy of Sorrow at the Loss of the brave General by whose Means, under GOD, Quebec was oblig'd to submit to the British Government." (The Boston Evening-Post, Oct. 22, 1759.) — EDS.

spirit and his men don't continue to be poltrons, may greatly obstruct if not intirely prevent it, especially considering how far elapsed the season for action is. My next I hope will inform you M<sup>r</sup> Amherst's success. All friends send their complim<sup>ts</sup>.

Y<sup>rs</sup>.

WILLIAM BOLLAN\* TO ANDREW OLIVER.+

LEICESTER SQUARE, Feby 12<sup>th</sup>, 1761.

SIR, — On the 20<sup>th</sup> of last month the House of Commons granted £200,000 to his Majesty, to enable him to compensate the respective provinces in North America their expences of the troops they raised, in the same form of words used in the last year's grant of the like sum. In

\* William Bollan was for some years agent for the Province of Massachusetts in England, and afterward agent for the Council alone. He was born in England and came over with Shirley, whose second daughter he married in 1743. He "was a lawyer of eminence in his profession, and was Advocate General when he was chosen agent for the Province and sent to England to solicit the reimbursement of the charge in taking and securing Cape Breton. In obtaining this he discovered as much address as fidelity; he acted like a wise man who would persevere till he gained his object." "In 1768 he obtained a copy of the letters written against the town of Boston by Gov. Bernard, Gen. Gage, &c., and from this time he became a most popular man amongst those who once could not view him with any complacency. Mr. Hancock declared in the House of Representatives, that there was no man to whom the Colonists were more indebted, and whose friendship had been more sincere." (See Eliot's Biographical Dictionary, pp. 73, 74.) In a letter to Thomas Hollis, dated Oct. 17, 1768, Rev. Andrew Eliot writes, — "I have been always of the opinion that if Mr. B—ll—n had been continued in his agency, many of the disputes we have had with Great Britain, and which it is probable we shall have, would have been prevented. He was perfectly acquainted with our affairs, would have been able to convince the ministry of the impolicy of their measures, if they were at all open to conviction, and would have taught his constituents here to conduct with caution and prudence, which certainly are not inconsistent with a firm adherence to our rights. I freely spoke against that gentleman's dismission as an imprudent step; now it is too late; others see and own it to be so. The Speaker of the late House of Representatives hath told me more than once, that he heartily wished they had taken my advice. Party views influenced them, as they generally do." (4 Mass. Hist. Coll., vol. iv. p. 430.) Mr. Bollan continued in active life until 1775, and died in the following year. — Eds.

+ Andrew Oliver was born in Boston March 28, 1706, and graduated at Harvard College in 1724. From 1743 to 1746 he was one of the representatives of Boston in the General Court; one of the Council from 1746 to 1765; Secretary of the Province from 1756 to 1770; and Distributor of Stamps under the Stamp Act in 1765. He succeeded Hutchinson as Lieutenant Governor, in 1771, and died in Boston March 3, 1774. See Drake's Dictionary of American Biography, p. 671. — Eds.

the course of my attendance to obtain this grant, on the 12<sup>th</sup> of Jan<sup>ry</sup>, when it was proposed at the Treasury that two thirds only of the aforesaid sum shou'd be granted for the last year's service, because, M<sup>r</sup> West said, the Colonies had raised but two thirds of the number of troops which they raised in preceeding years, after what passed respecting this subject was concluded, M<sup>r</sup> West mentioned to me the apportionment of the last year's grant; whereupon I informed him that I had received no accounts of the expences of the campaign in 1759, imputing this to the captures of several ships coming from Boston, and acquainted him that I was fully satisfied by my instructions given by the General Court the accounts had been dispatched, and that supposing they were miscarried in their passage I had in Octob<sup>r</sup> advised the General Court of it, and expected others. I had some time before this understood that the agents of other Colonies had petitioned for an apportionment; but I chose to let the matter rest, without making any motion for delay until called upon, hoping that in the mean time the accounts wou'd come to hand; but now of necessity I prayed that the matter might be deferred. M<sup>r</sup> West appointed an attendance on the next Board-day, and after several attendances, on the 22<sup>d</sup> of Jan<sup>ry</sup> I presented a memorial to their Lordships praying the apportionment shou'd be postponed til the accounts arrived, and it was accordingly deferred, tho' several of the agents attended that day to bring it on. I informed them that it was my purpose, if possible, to get the service of our Province troops in keeping garrison at Louisbourg & Nova Scotia during the winter to be considered as a service different from the campaign service, the expence whereof was intended to be compensated by the parliamentary grant, and consequently to get the expence of this extraordinary service paid out of some other fund, and not out of the common bag; but that before the accounts came to hand I cou'd make no motion touching

this point. My proposal appearing to them reasonable, as well as serviceable to their constituents in case of success, they acquiesced in the desired delay. Upon considering my instructions relative to this matter, with all its circumstances, this proposal appeared to me to be just & equitable, as well as beneficial to the Province, being persuaded that this extraordinary winter service was not within the contemplation of the Parliament when the grant was made, at which time the service was not concluded, the grant being made on the 31<sup>st</sup> of March ; so that the expence of the service from that time til May is out of the words of the grant, as well as the whole out of the meaning of it, according to my sense of the matter ; nevertheless I have at present very little hopes of my proposal succeeding, and not much better of that which is mentioned by the General Court in their instructions. The difficulties attending this affair have been unfortunately encreased by the want of the proper accounts, and are further augmented by the near approach of the dissolution of the Parliament, which with the present state of the finances with other public affairs, and of all things relative to this matter, leave much less room for prosecuting any measure to effect concerning it than is desirable. On the 6<sup>th</sup> instant I received by the penny post the account of the charges paid by the Province for his Majesty's service in the year 1759, and yesterday I received by way of Bristol a triplicate of it, each of them being accompanied with a letter from the Lieut<sup>t</sup>. Governor, wherein he informs me that it is not possible to ascertain til the rolls are made up the charge of the Province's keeping garrisons at Louisbourg & Nova Scotia ; and after mentioning divers matters proceeds to make an estimate of it, but computation, I fear, will not supply the place of a particular account with proofs, and be received as a proper foundation for any special demand, so that all things seem to conspire to embarrass this business.

I am with the greatest respect for the Great & General Court, Sir,

Your most obedient and most humble servant.

W. BOLLAN.

MR SECRY OLIVER.

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WILLIAM BOLLAN TO ANDREW OLIVER.

LEICESTER SQUARE, Feby 14<sup>th</sup>, 1761.

SIR,— My letter of the 12<sup>th</sup> instant was dispatched in so much haste that I omitted mentioning that the General Court having by their instructions said, “the Secretary wou'd furnish me with an account of what had been advanced to such men as were raised by the Province, and served on board his Majesty's ships-of-war up Canada river in the year 1759, for their wages while on board said ships, in which account wou'd be included the wages of said men for a certain time from their going from Boston to their getting on board said ships, and from their being discharged to their arrival there,” I expected to have received this account, but that it was not yet come to hand; nor have I received any copies of the muster rolls or pay rolls relating to these seamen, said by the Lt Governor, in his letter of the 14<sup>th</sup> of July, to be sent to me, nor any papers respecting this demand, saving the powers given by the seamen to the Treasurer, with his substitutions to me, in some few of which mention is made of the ships wherein the constituents served. Gov'r Pownall having called upon me yesterday, to decline by reason of the state of his affairs the care of the application for relief of the sufferers by the fire at Boston, upon my enquiry he informed me that the agreement made between him and Admiral Durell respecting these seamen was made by letter, and he seem'd fully persuaded that the Admiral's letter, or a duplicate, was lodged with the Secretary, saying at the same time that if he had the

original it was packed up together with his other papers left in M<sup>r</sup> Hancock's hands, and that I shou'd have it when he received it; but the time of his receiving his papers I perceived was very uncertain.

The sums raised within a year past for the public service having far exceeded what was ever raised in any preceeding year, and being found to fall very short of what is wanted, the difficulties relating to money matters are much increased, and will unavoidably, I fear, in some respects affect the Province service, so that I rejoice at the last parliamentary grant being made so early in the session, and desire to observe that too much care cannot be taken in preparing and dispatching the plainest accounts & best proofs of every demand.

I am, with the greatest respect for the Great & General Court, Sir,

Your most obedient and most humble servant.

W. BOLLAN.

M<sup>a</sup> SEČRY OLIVER.

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JASPER MAUDUIT\* TO JAMES BOWDOIN.

THE HON<sup>L</sup> JAMES BOWDOIN, Esq<sup>R</sup>.

SIR,—I have the honor of your letter of the 13<sup>th</sup> of May last, with a certificate appointing me agent for the Society for propagating Christian Knowlege among the Indians in North America. As I should naturally wish success to so pious & usefull an undertaking, you may depend upon my utmost indeavours to get your Act of Incorporation confirm'd. I can with the more propriety engage in its favour, as the design of this Act

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\* Jasper Mauduit was a prominent Dissenter in England, and succeeded William Bollan as agent of Massachusetts, having been chosen by the General Court April 23, 1762. He held this office for a little more than two years, when he resigned and Richard Jackson, Jr., was chosen in his place. The act of the General Court incorporating the "Society for propagating Christian Knowledge among the Indians in North America" was passed in Feb., 1762, and disallowed in May of the following year. See Province Laws, Vol. iv. pp. 520-523, 563, 564. — EDS.

directly falls in with that service, which the charter of the Province of Massachusetts declares to have been *the principal end of the said Plantation*. The charter of W<sup>m</sup> & Mary, by reciting this sentiment, as the principal end of King Charles's patent adopts it as its own. I am, Sir, with the highest regard for the gentlemen of the Society.

Your most obedient humble servant.

JASP<sup>E</sup> MAUDUIT.

LIME STREET, 27<sup>th</sup> 8<sup>r</sup>, 1762.

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JAMES BOWDOIN TO JASPER MAUDUIT.

BOSTON, Nov<sup>r</sup> 2, 1762.

SIR,— The students at our College in Cambridge having for a considerable time past been increasing, it has become necessary to erect a new building to accommodate such as wanted chambers. This being represented to the General Court they granted £4,250 for that purpose; but the building which that sum was intended to effect not being large enough to accommodate the whole, & a commodious room being wanted for a library 't was judged expedient to build upon a larger plan, provided the means of doing it could be had. The only means of doing it (as a further sum could not be expected from the General Court after so generous a grant) was by a lottery, with respect to which, when Governor Bernard (who upon all occasions has shewn himself a great friend to the College) was applied to, his Excellency said he would readily give his consent to an act for allowing a lottery, had not the Lords of Trade expressed their disapprobation of lotteries, and enjoined him to allow of none, but at the same time observed that if a bill was to be prepared he would send an abstract of it to their Lordships, and endeavour to obtain their leave for his signing it. Accordingly a bill has been prepared, & his Excellency by this conveyance has writ fully upon it to their Lordships,

whose favor, considering the good end the lottery is intended to promote, there is great reason to hope for. Now, Sir, what the friends of the College have to ask as a favor of you is, that you will be pleased to exert your influence to obtain of their Lordships a favorable answer to Gov<sup>r</sup> Bernard's letter, that the obstacle to the passing of the bill may be removed.\* As the circumstances of this affair require that the Governor should receive their Lordships' answer as soon as possible, it will be look'd on as a peculiar favor if you'd endeavour to procure it so as that his Excellency may have it before the opening of the spring, at which time, if no intelligence should arrive, the small plan must be adopted. It will be taken as a great favor if M<sup>r</sup> Jackson (the worthy gentleman concerned with you in some affairs of the Province)† will give his influence in procuring a favourable and speedy answer to the Governor's letter. Being but little, or perhaps not at all, known to you (having had the pleasure of writing to you but once before, viz., on the act incorporating a Society here for propagating Christian knowledge in America) I should need to apologize for the trouble this may give you, did I not apprehend that it would be in some measure counterbalanced by the pleasure you take in rendering the Province any service in your power, as you will in this case, in its literary interests.

I am, with great esteem, S<sup>r</sup>, yr. most obed<sup>t</sup> serv<sup>t</sup>.

JAMES BOWDOIN.

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\* The desired permission was promptly granted; but it was not until June, 1765, that the General Court passed the act authorizing a lottery to be set up. The preamble recited that, "considering the great expense which the General Court has lately been at in building Hollis Hall, and also in rebuilding Harvard College, it cannot be expected that any further provision for the college should be made out of the public treasury, so that no other resort is left but to private benefactions, which, it is conceived, will be best excited by means of a lottery." Accordingly certain persons were appointed trustees to set np and carry on a lottery to raise the sum of three thousand and two hundred pounds, lawful money, to be expended for building a new hall for the College. See Province Laws, vol. iv. pp. 834, 835, and the learned editor's note, pp. 868, 869. — Eds.

† Richard Jackson, Jr., was appointed by the General Court to act for the Province in case of the absence, sickness, or death of Jasper Mauduit. See Province Laws, vol. iv. p. 536 and *passim*. — Eds.

You'll excuse my importunity if I again request your endeavour that the answer to the Governor's letter may be conveyed as early as may be, and by several opportunities. If none direct, by way of New York, &c.

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JASPER MAUDUIT TO JAMES BOWDOIN.

(Copy.)

JAMES BOWDOIN, Esq<sup>R</sup>.

LONDON, Decr 24<sup>th</sup>, 1762.

SIR,—I have the pleasure of your letter of 2<sup>d</sup> Nov<sup>r</sup>, and having just now been inform'd that there was a ship lying at Spithead, I send this to Portsmouth in the utmost hurry, in hope of catching it before its departure. I had receiv'd no instructions from the Colony relative to the Lottery bill in favour of Harvard College, and therefore for that & other prudential reasons have transacted this affair with M<sup>r</sup> Pownal,\* only as a private person and a friend of the College, and not as agent for the Colony, and in it I have had M<sup>r</sup> Jackson's kind assistance. I have now the pleasure to tell you that M<sup>r</sup> Pownal acquainted me this morning that the business was done, and that he would send me a letter to the General for that purpose, if I could get it convey'd to him. I hope it will reach him at the same time this does. Much was said against lotteries in general, which I answer'd in the best manner I was able. I congratulate you on our success, and am willing to catch the earliest opportunity of acquainting you with it, that the service of the College may not be delay'd. I am, Sir,

Your most humble servant.

JASP<sup>R</sup> MAUDUIT.

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\* John Pownall, Secretary of the Board of Trade; he was the elder brother of Thomas Pownall.—EDS.

I hope that the above went safe in the Devonshire, Cap<sup>t</sup> Hunter, though my letters which I got ready for Portsmouth by the next post, were to my great disappointment return'd, the ship being sail'd. I had not then time to mention that I went with M<sup>r</sup> Jackson to present to his Majesty the College Verses,\* which are much approved of here. The dedication is a very masterly performance. I heartily wish that the hint which is so very hansomly given at the end of it could reach his Majesty's notice to the obtaining the royal countenance and assistance, which the College so well deservs.

The prudential reason I mentioned respects the attention which ought always to be pay'd to the Province's independent right of legislation. At a time when the General Court is so justly alarm'd with an attempt to introduce a suspending clause into their acts, I could not but think that it would very ill become me as the Province Agent to do any thing which should give the least countenance to the sending over copies of bills previous to the Governor's passing them, which would be just equivalent to their passing bills with such a suspending clause. For this reason, though at M<sup>r</sup> Pownal's request I took care of his letters to the Governor, and sent them down to Portsmouth to save him the trouble; yet I wrote no letter to the Governor with them, that I might not know any thing of the subject of them, or contribute by any act of mine to the establishing of so dangerous a presendent [sic]. You will be so good, if you please, to mention this to the Governor, that I may not be thought wanting in my respect to him. I am, Sir,

Your humble servant.

JASPER MAUDUIT.

The 6<sup>th</sup> Jan'ry, 1763.

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\* The "Pietas et Gratulatio," printed in 1761, on the accession of George III., by Harvard College. — Eds.

P. S. As I appear only as a private sollicitor for Harvard College, Mr Pownal told me that there was a fee of two guineas due to the office for all such private applications, which I accordingly paid to him, & which the College is very welcome to.

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JASPER MAUDUIT TO JAMES BOWDOIN.

LONDON, 7<sup>th</sup> of April, 1763.

SIR,—I promised in my last, of the 23<sup>d</sup> of March, to give you a more particular acc<sup>t</sup> of my proceedings on the act for promoting Christian Knowlege. But it would more than fill this sheet if I were to go through the several shapes which the opposition to it has assumed, according to the several different occasions. So long ago as the 10<sup>th</sup> of Dec<sup>r</sup> I was told at the Plantation Office that this act was opposed by the Archbishop & the Society for propogating the Gospel. I ask'd Mr Pownal what it was which his Grace objected to. He answerd that he could not well make it out. I then urged the necessity & convenience of a speedy confirmation, and shew'd him your letter to me, which he read over & seem'd satisfied with, & bad me go to S<sup>r</sup> Matthew Lamb\* & get him to make a speedy report. I did so; but could not prevail with him to make a report on that act singly, but he said he would do it on all the acts together. The 3<sup>d</sup> of Febr'y I receiv'd notice from Mr Pownall that the Lords were ready to hear me next day upon that act. I went the next morning, & after waiting some time Mr Pownal came out to me & acquainted me that the act was not approved of at the Board. & that it would not pass. But that upon

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\* An eminent English lawyer, born in 1705, and died in 1768. He sat in the House of Commons as member for Peterborough from 1747 until his death, and was grandfather of the second Viscount Melbourne, who was Prime Minister on the accession of Queen Victoria. See Dictionary of National Biography, vol. xxxi. p. 432. — EDS.

his representing to the Lords that I had frequently been with him to sollicit the confirmation, they had consented to hear what I had to say in its behalf. But that it was an extremly busy day, and he wishd to know the purport of what I had to offer. I told him that the bill spoke for its self & proceeded from a laudable design, and that the views of the Society were clearly express'd in it. Inlarging upon the goodness of their intention & reminding him of your letter, he answer'd that the Lords would not dispute the laudableness of the design, but that there were political reasons for their not confirming it. That the title of the act was enough to overset it; that it was for erecting a Society for propogating Christian Knowlege among the Indians of *North America*; that the Province had not a right to grant charters which should extend beyond their own jurisdiction; that under this act their missionaries might go among the Indians over all North America, & counterwork the designs of government here, as the Quakers had done in Pensilvania; and besides that there was no provision made in the bill to oblige the Society to account to any officer of the government, which other incorporated societys were always obliged to. To the first I said, that their fund was not such as to admit of missions of that extent; that missionaries were employed only to the westward among the Mohawks; that I did not know that the Quakers had any such charter; that the one colony or the other if they were disposed to counteract the designs of government here might do it without such a private charter as this as well as with it; that Parliament here often granted charters to corporations without obliging them to account to any but their own members; that I was sure of one, Guy's Hospital, which I was a Governor of, which set out with a capital twenty times as great as this was, and yet accounted for it only to themselves; that if the Board wou'd indulge me with their objections in writing, I would indeavour to answer them. He said

he did not know whether that would be granted. He was then sent for in to the Board, & soon after told me,— This proves a very busy day, and I would advise you to go home, for nothing can be done to-day; I will acquaint the Board with what you have said, & let me see you next week. I went the 8<sup>th</sup>, when I was appointed a hearing on the 11<sup>th</sup>. But the 11<sup>th</sup> happened to be a bad day with me, & I was confined to my bed, and having no body else was obliged to send a servant with a message of excuse. I went again when I was well, & saw Mr Pownal on the 22<sup>d</sup>, who told me, that he was sorry to acquaint me that the act would not pass, that it was gone from their Board, with a representation that it ought not to be confirmed. I again ask'd, for what reasons, and he again repeated much the same things as before. Adding that these people might apply the money to oppose the missionaries of the Church of England. I answerd that there was room enough for the few which this society could maintain and all the Episcopal missionaries too, and that I wishd that Society for propogating the Gospel had employ'd their missionaries more among the Indians than they had hitherto done in North America. He answerd that that matter would now become an object of government. And that something was under consideration for the whole of Indian affairs, and upon my asking him, he told me that I could do nothing farther in this business.

I heartily wish that my indeavours had been more successfull & was much mortified that my illness prevented my attendance at the Board at one of the most critical t̄ies, when I was largely prepared to answer the objections taken from the preamble's extending the bill to all North America, but I am fully satisfied that nothing which could be said or done could have prevailed to the getting the bill confirmed. I am, Sir,

Your most obedient humble servant.

JASP<sup>R</sup> MAUDUIT.

## JAMES BOWDOIN TO JASPER MAUDUIT.

BOSTON, April 25, 1763.

S<sup>r</sup>, — I am honoured with yr letters of 27<sup>th</sup> Oct<sup>o</sup>, 24<sup>th</sup> Dec<sup>r</sup>, & 6<sup>th</sup> Jan<sup>v</sup>. The gent<sup>n</sup> of the Society are much obliged to you for your readiness to engage so heartily in favor of their incorporating act, and they doubt not, notwithstanding the opposition it was likely to meet with, your endeavors to procure the King's confirmation would be effectual. This opposition was least to be expected from a Society, the end of whose institution so much coincided with that of ours.

In consequence of your application the Governor has received a letter from the Board of Trade with leave to pass the lottery bill relative to the College. In behalf of the College I return you hearty thanks for your vigorous & successful application & for your generosity in giving to the College the fees you paid to the office. You'll please to give the thanks of the College to Mr Jackson for his kind assistance in the affair.

I am very glad to hear the College Verses have been approved, & heartily wish with you that the hint in the didication may be the means of obtaining the royal countenance. Your generous disposition to the College will engage your endeavors for that purpose. Your cautiousness of doing any thing that might look like giving up (as Agent) the Province's right of legislation sufficiently justifies your not writing the Governor on the subject of the lottery bill, an abstract of which he sent to the Lord's of Trade. I have mentioned this matter to his Excell<sup>y</sup> as you desired, and he is quite satisfied about it.

I am, &c.

May 9<sup>th</sup> This day was held a meeting of the Overseers of the College to whom I communicated your letter of 24<sup>th</sup>

Dec<sup>r</sup> & 6<sup>th</sup> of January, as did M<sup>r</sup> Oliver your letter to him. They have a grateful sense of your favors to the College, & passed a vote of thanks to y<sup>r</sup>self & M<sup>r</sup> Jackson, which will be transmitted to you.

Yrs.

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THOMAS WHATELY\* TO JOHN TEMPLE.

LONDON, 8<sup>th</sup> June, 1764.

DEAR SIR,—I did not imagine when we parted that it would have been for so long a time. I thought your partiality for England would have brought you soon back again, for you had tried to leave us once, & could not help returning. Have you married a wife & cannot come, or will you still give us leave to expect you? You will find us ready to meet you again in the Crown & Anchor, tho' perhaps with respect to other avocations not quite so much at leisure as we were. Business has come on upon us all, but not such as to make us forget the agreeable hours we used to spend together. I often think of my American freinds & sometimes presume to hope that they may now & then think of me. On that presumption I venture to remind you of your former acquaintance & flatter myself that you will not think it an intrusion to recal past scenes which we passed chearfully together. Since they were over I have frequently had the pleasure of hearing of you all. Lord Stirling. I was lately inform'd, was well; Hamilton has always had one nephew or another

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\* Thomas Whately is said to have been brought into public life by George Grenville, who made him his private secretary in 1762, when Grenville became one of the Secretaries of State. In 1763 he was appointed Joint Secretary of the Treasury. On the death of Grenville he attached himself to Lord North, and was assailed with unsparing severity by Junius. In January, 1771, he was appointed one of the Lords of Trade; and not long afterward he was made one of the Under Secretaries of State. He died in June, 1772. It was to him that the Hutchinson and Oliver letters were addressed. See Grenville Papers, *passim*; N. Y. Col. Docs., vol. viii. p. 277, note; Correspondence of the Earl of Chatham, vol. iv. p. 75, note.—Eds.

in England, who corresponded with him. His brother Allen too has been here the last twelvemonth, but is just now returning to Pennsylvania; I took my leave of him this morning. Ingersal,\* I find, is expected very soon in England. You have lost poor Morris. As to yourself, I hear of you both in your publick & your private character. You may perhaps be surpris'd to find me so well acquainted with your proceedings as Surveyor General, but the mystery will be solved when I have told you that I have left the bar, & am now Secretary to the Treasury. It was with great pleasure that I executed one part of my business not long ago, which was to signify to the Commissioners of the Customs y<sup>e</sup> satisfaction you gave to the Lords of the Treasury by y<sup>e</sup> spirit & activity you shewed in the seizure you made at Rhode Island. This specimen of your zeal to destroy the contraband trade which is carried on there, & I am afraid in almost every other part of America, has (without flattery I assure you) rais'd great expectations of your success. Would all the officers of y<sup>e</sup> revenue do their duty in the same manner that pernicious practice would prevail no longer, so much \* to the disgrace of America & to y<sup>e</sup> diminution of y<sup>e</sup> revenue, but I hope a few such examples as you have shewn, & a proper attention to make such regulations from time to time as exigencies may require, will have their due effect. I am sure all that can be done here will be done. It is a favourite object of y<sup>e</sup> present administration, & nothing will be omitted that can tend to accomplish it. The

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\* Jared Ingersoll was born at Milford, Conn., in 1722; graduated at Yale College in 1742; and died at New Haven in 1781. Before the beginning of the troubles with the mother country he was held in high esteem by his fellow-countrymen, and in 1757 he was agent in England for Connecticut. He went to England in the autumn of 1764, with Joseph Harrison. In 1765 he was made one of the Stamp Distributors. Though he formally resigned the office shortly after his appointment he became excessively unpopular, and was burned in effigy. He was obliged to leave Connecticut, and was rewarded by the appointment of Judge of Vice Admiralty for New York and the middle colonies. He then went to Philadelphia, but after the close of the war he returned to Connecticut. See Sabine's American Loyalists, vol. i. pp. 561, 562. — Eds.

greatest pains is taken to procure all y<sup>e</sup> information that they can in relation to the modes by which this illicit trade is carried on, & to apply proper remedies. As my present situation enables me to communicate any such information to those who will make the best use of it, I should be greatly obliged to you if you could furnish me with any. It must often happen that facts & observations occur to you which you may not think of that kind as to be officially transmitted hither, & which yet would be of great use if they were known; if it would not be too much trouble at a leisure hour to write me what you may think proper on the subject, you would confer a favour on me, as I am anxious about it, & my office necessarily engages me in it; & I hope our old friendship will excuse the liberty I take in asking this favour. I doubt the new instructions that are preparing for the Custom House officers will be hardly ready by this mail; but they will be finished before another goes, & if any merchant ship should sail in the meanwhile will probably be sent by her. They are [*torn*] not only to enforce the old regulations but [*torn*] support the execution of y<sup>e</sup> great Custom House [*torn*] the last session. I shall be glad to hear what [*torn*] the sentiments of y<sup>e</sup> Americans upon y<sup>e</sup> new taxes, & what they think of a stamp duty, which was thought of but postponed to next winter out of regard to y<sup>e</sup> Colonies, to give them time to consider of it. To us it appears y<sup>e</sup> most eligible of any, as being equal, extensive, not burthensome, likely to yield a considerable revenue, & collected without a great number of officers. Do you apprehend any material objections? & what do you guess it will raise, if imposed in any given proportion to y<sup>e</sup> same duty in England? You will pardon my inquisitiveness, but all these points are very interesting to me now, & you will oblige me by any information concerning them. Webb & Wedderburn are very well. Coll. Clarke has been abroad, chiefly in Portugal, for some time past, & is but

lately come home. I shall be happy to hear from you whenever you will favour me with a letter, & am

Your most obed. humble serv<sup>t</sup>.

THOMAS WHATELY.

Please to direct for me, at y<sup>e</sup> Treasury.

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JAMES BOWDOIN TO BENJAMIN FRANKLIN.

BOSTON, July 2, 1764.

S<sup>r</sup>, — Your last favor informed me that you had sent my letter to M<sup>r</sup> Canton, inclosed in one of your own, <sup>P</sup>the packet, for which I am much obliged.

When I last saw M<sup>r</sup> Winthrop I inquired of him after  $\mathcal{A}$ epinus. He told me he sent it to M<sup>r</sup> Stiles of Newport, who would convey it to you. I thank you for your pamphlet relative to the massacre of the Indians.\* You have given in it a very entertaining account of the hospitality practised even by barbarians towards their enemies, & such as must touch the souls (if they have any) of the perpetrators of so horrid a deed. Horrid, if it had been committed on enemies under the circumstances of the sufferers, & ten fold more so as on persons that were friends. Such diabolism (one would think) could be committed only in the infernal regions.

The measures your Assembly have taken to rid the Province of Proprietary influence will probably occasion the establishment of such a government among you as will have sufficient strength to prevent the like outrage in future, or exemplarily to punish the authors of it if it should happen. The pamphlet published among you previous to the spirited resolves of the Assembly fully obviates the objections to a change of government, & is

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\* "A Narrative of the late Massacres, in Lancaster County, of a Number of Indians, Friends of this Province, by Persons unknown. With some Observations on the same." It is reprinted in Sparks's Works of Benjamin Franklin, vol. iv. pp. 54-77. — Eds.

well calculated to procure a change.\* The Proprietaries, I dare say, will not think themselves very greatly obliged to the author, especially as he has pointed out such an easy way for the Crown to satisfy any demand they may have on account of their present right of jurisdiction.

I am much obliged to you for the metztonto print of yourself, which I rec<sup>d</sup> by M<sup>r</sup> Williams. I esteem it a valuable present, as it exhibits so good a likeness of a gentleman for whom I have a sincere regard.

My compliments to your good family. I am with great respect.

Yrs.

J. B.

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THOMAS WHATELY TO JOHN TEMPLE.

DEAR SIR,— The great zeal you have shewn for the improvement of y<sup>e</sup> revenue emboldened me some time ago to ask you some questions in relation to one branch of it, tho' not immediately within your department. I mean y<sup>e</sup> stamp duty, which unless unforeseen objections occur will probably be extended next year to America. There has not yet been time for me to receive your answer & your permission to write to you upon y<sup>e</sup> subject, but I cannot help presuming on your goodness so far as to address to you some further enquiries in relation to it, the answer to which you may be assured I shall keep very private, & shall esteem myself greatly obliged to you for. I know there has been a stamp act in your Colony. I should be glad to know what was its product & on what articles it chiefly produced. What difficulties have occurr'd in executing it? What objections may be made to it, & what additional provisions must be made to those in force

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\* The reference is doubtless to Franklin's pamphlet, "Cool Thoughts on the present Situation of our public Affairs. In a Letter to a Friend of the Country," in support of the movement to make Pennsylvania a royal province instead of a proprietary government. It is reprinted in Sparks's Works of Franklin, vol. iv. pp. 78-93. — EDS.

here? The greatest difficulty will be to ascertain the law proceedings that ought to be stamp'd. I should be much obliged to you if you could procure me the names of your several Courts & of y<sup>e</sup> respective instruments & proceedings used therein, which any lawyer of your acquaintance can readily furnish you with. Have you any fines & recoveries? Have you any inferior Courts that hold plea to a certain sum only? What appeals have you from one Court to another? & are your writs y<sup>e</sup> same as are mention'd in our stamp acts? It will be a principal object of attention here to make this tax as little burthensome as possible, but for this purpose it will be necessary to know whether y<sup>e</sup> same duties as are imposed in England on obligations, instruments of conveyance, & indentures of apprenticeship would be too heavy on the Colonies. Which of y<sup>e</sup> English duties will be burthen-some? which should be omitted? & which lighten'd & why? I should also be glad to be inform'd whether you use stamp'd cards & dice, how many newspapers are circu-lated in y<sup>e</sup> Province, & what may reasonably be expected to be y<sup>e</sup> produce of a stamp act, should the duty be laid at an average in any given proportion to that imposed in England. I am ashamed to trouble you with so many questions, but y<sup>e</sup> importance of y<sup>e</sup> subject will, I hope, prevent their being thought impertinent, & our old acquaintance excuse the liberty I have taken. You will be glad after so much business to hear that our friend Webb is made a Welch Judge, which is a place for life of £700 p ann. Coll. Clarke, who has been in Spain & France since y<sup>e</sup> war, call'd on me yesterday, just y<sup>e</sup> same man & in just y<sup>e</sup> same spirits he ever was. Your other acquaintance whom I have y<sup>e</sup> pleasure to know are all well.

Adieu, my dear Sir, & believe me  
Ever yours.

THOMAS WHATELY.

TREASURY CHAMBERS, 14<sup>th</sup> Aug<sup>st</sup>, 1764.

## JOHN TEMPLE TO THOMAS WHATELY.

BOSTON, 10 Sept<sup>r</sup>, 1764.

DEAR SIR,—I cannot express the real pleasure that your most obliging letter of 8 June has given me. I have often wished for the correspondence that you have so kindly offerd, and you may depend that any thing that occurs to me in this country that can be any way worth your attention as Sec<sup>y</sup> to the Treasury, of which I wish you joy, I will constantly communicate. The approbation that my conduct has met with from the Lords of the Treasury cannot but afford great pleasure to one who is sensible he has no small share of ambition, & it is in some measure a recompence for the vast trouble and fatigue that I have had in the service of the revenue since my arrival in N<sup>o</sup> America (in which I have expended the whole income of my little patrimony in addition to the small, too small, allowance to me from the Board of Customs, however as I told my friends that I came abroad not to make a fortune, but to make a character, so I am in hopes that my services in America may recomend me to future favour at home). I think upon the whole that things are now in such a way that all kinds of smugling & irregular trade will in a great measure soon be at an end. But I do not apprehend that the revenue that will be drawn from America will any way answer what seems to be the expectation of Ministry. I have paid all possible attention to the trade of this country, and have considered how the new act will probably operate. Molasses is the principal article on w<sup>ch</sup> any money worth mentioning can be raised, & on that I fear Parliament will find they have left too large a duty in 3<sup>d</sup> a gallon. The trade will either decline or methods will be found out thrô corrupt officers in the West Indies to naturalize forreign produce *there*, & introduce it to the northern Colonies as Brittish growth; a most vilianous instance of this

I am now representing home, under cover to you, for your private perusal, after which you'll please to seal and send it to the Board. I could wish Parliament had left only 2<sup>d</sup> ™ gal<sup>o</sup> on molasses imported into the Colonies, & that duty to have been general on the produce of Brittish as well as forreign molosses; it certainly would have raised something handsome, & the duty, I believe, would have been punctually paid. Our own sugar planters could have no reasonable objection to the duty's being general, for the molasses they export is so very inconsiderable that 'tis not worth mentioning, not 5,000 hh<sup>ds</sup> a year is exported from the whole island of Jamaica, and all the other English islands together do not export the like quantity. With them 'tis all turned into rum, & principally sent to Great Brittain. Had the duty extended to molasses of what produce soever there would have been no possible means of its escaping the duty, & 2<sup>d</sup> a gallon, I believe, is full as much as the trade can bear & continue to flourish. The other dutys laid by the new act on the several articles imported from England will produce such trifles from the smallness of their importation that I need not say any thing about them, other than that the dutys may [be?] very proper & I believe will be punctually paid.

I come now to a more important affair, the *stamp duty*. This, I will suppose, as you say, is the most eligible & may be the most easily collected of any duty that can be laid, & will yield something handsome. On the same footing that it is in England, I suppose it will yield upwards of forty thousand pound sterling ™ annum in my district (the 5 Northern Colonies). But then for a moment consider Great Brittain & her Colonies on the larger scale, & see whither it will be either expedient or prudent to lay such a duty. It is a certain fact that the produce of all these Colonies in the course of trade goes now to Great Brittain for her manufactoryes, and if they produced three times as much as they do, it would all go for the same purpose.

Our people are extravagantly fond of shew & dress, and have no bounds to their importation of Brittish manufactoryes but their want of money. Suppose a stamp tax to take place & to yield sixty thousand a year to be collected in America & sent home, there would certainly be £60,000 worth of goods less imported from Great Brittain, besides such a sum of money laying still in coffers for the Crown instead of circulating in the Colonies, already very much drained of cash.

The sudden departure of this ship & the vast hurry I am in preparing the officers to enter upon the new act prevents my enlarging as I shall by the next opportunity, and from time to time after, as things may occur. You will see by the inclosed papers what has been doing at Anguilla; notwithstanding what this Gumbs & Roberts say with regard to the clearances being forged, I have no doubt but that the whole has been carried on under the management & by connivance of them.\* When the peo-

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\* Among the Temple Papers is a very voluminous collection of letters and documents connected with an illegal importation of molasses into Salem from Anguilla, a small island in the West Indies, marked on the cover, — "Mr Cockle's Suspension, with the whole of his & Governor Bernard's proceedings relating to the Anguilla Forgeries, &c., &c. Copied from the Original Letters & Depositions, now in the Possession of Mr Temple, the Surveyor General, 1764." The first document in the series is a letter from Mr. Temple to the Commissioners of Customs, dated Oct. 3, 1764, rehearsing the facts in the case, and setting forth that "since the beginning of March last upwards of two thousand hogsheads of molasses and several other effects, the produce of foreign plantations," had been imported into Salem, and that the Collector, without the knowledge of the Surveyor-General, but "with the advice and concurrence of Governor Bernard in order to obtain their shares of the forfeitures," had compounded a suit in the Court of Vice-Admiralty, to the great loss of the King's revenue. "By the procedure of Mr Cockle, the whole sum compounded for, amounting to about twenty-five hundred pounds sterling, will be shared between him, Governor Bernard, and the Province, and his Majesty (if the composition is allowed) will loose upwards of five thousand pounds sterling of his revenue." And he adds, — "This method of compounding appears to me a perversion of the laws designed for the security of his Majesty's revenue to a direct contrary purpose, and if it is allow'd or can be supported, opens a door for the greatest frauds by corrupt officers conniving at irregular entries, then libelling for the forfeitures and entering into a composition, by which they may avail themselves of large sums, and the importer at the same time (as the case may be managed between them) pay much less upon the whole than the amount of the duties, and his Majesty be defrauded of his revenue under the sanction of those very laws which were designed to secure it. Of this the present case affords a striking instance, where an officer of the revenue (whose conduct in other instances appears to have been grossly corrupt) with the advice and concurrence of an officer of the Crown of the first rank here, whose duty to his Majesty obliged him to give all the assistance in his power to secure the revenue,

ple who are prosecuted here for the illegal importation of their molasses find the necessity of their declaring the whole 'tis probable the offenders may be fully discovered. I have not suspended Mr Cockle, the Collector of Salem, (althô I think he fully deserves it) as the service shall not suffer by his continuing in office till the will & pleasure of the Treasury be known. This officer has given me more trouble in keeping him tollerably to his duty than all the other officers in the district together, which he has been encouraged to do by Governor Bernard, whose insatiable avarice exceeds any thing that I have ever met with. This Mr Cockle is a low, abandoned man, not possessed of one principal necessary to the trust reposed in him. Mr Bernard was instrumental in getting him appointed to be Collector of Salem, & it is not doubted here that he receives the greatest part of the income of that office as well as of the gratuitys which I have no doubt Mr Cockle has often taken. I have information of this many ways, thô I cannot get the partys to give me possitive proof. In the instance of which I have now wrote the Board of Customs the most favourable construction that I can put on Mr Cockle & Governor Bernard's keeping me a week unacquainted with the letter that they receiv'd from Anguilla, is that what vessels were then in port under false clearances might escape before I could take the necessary steps for securing them to his Majesty's use. From Governor Bernard I have constantly met with every interruption that he could give me in office with any tollerable degree of safety to himself. In this instance you

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is found conducting an affair of this importance in such a manner as to avail themselves of considerable sums, under the colour of law, so greatly to the prejudice of the King's revenue." In a letter to the Commissioners of Customs, dated Nov. 30, 1764, Mr. Temple writes that under the composition "confirmed by the Court of Admiralty for  $\frac{1}{3}$ d part of the estimated value of said molasses," "the Governor gets about £800 ster.; Mr Cockle about £800; the Province about £800; the Judge of Admiralty £90; the Advocate £90; the Marshal, Register, &c. of the Court their usual proportion, all for a composition hurried on & finished in a few days to the prejudice of his Majesty's revenue upwards of £5000 ster." — EDS.

will judge how faithful an officer he is to the Crown in keeping me unacquainted with the letter from Anguilla when he must have consider'd how necessary it was to the King's service that I should have the earliest intelligence of it, that I might inform the several Custom House officers in America to guard against such fraudulent papers, & to take all possible steps to recover the duty from those who had already got in. M<sup>r</sup> Bernard's interfering with me in Custom House matters (as he has so often done) weakens my power & influence over the officers, disconcerts me in the vigorous measures I am desirous of taking for the service of the revenue & often renders me very uneasy in an employment in which I can have no view but that of doing my duty so as to recommend myself to the government for such favours as I may hereafter meet with. For I hold myself ready on my return to England to declare on the most solemn oath to Almighty God that I have never made one shilling since I have been in America but the sallary that has been given me from home, when M<sup>r</sup> Bernard's insatiable avarice has led him to draw an income from all quarters & from all departments in this Province in such a manner as it is a shame to his appointment. I have directed that prosecutions be carried on against the importers of the molasses so fraudulently got in. Whither the Advocate General will be able to make any thing of it I dont know. Nothing shall be wanting on my part to bring the offenders to justice. I shall write to you again by the packet that will sail in a few days. In the mean time I am with the most sincere respect, dear Sir,

Your most obedient and most humble servant.

J. TEMPLE.

## JOHN TEMPLE TO THOMAS WHATELY.

BOSTON, N. E., 3 Octo. 1764.

DEAR SIR,— I had the pleasure to write a long letter to you on the 10<sup>th</sup> of last month, and acquainted you with the difficultys I had met with in the execution of my office from Mr Bernard, the Governor of this Province. Since I then wrote you I have received such proofs on oath of the corruption of Mr Cockle, the Collector of Salem, that I have tho't it my indispencible duty to suspend him from that office.\* The steps that have been taken here with regard to the forged clearances from Anguilla has given me more concern & trouble then any thing I have met with in office. The inclosed is an exact state of those affairs which I have transmitted to the Board of Customs, a copy of which I have taken the liberty to inclose to Mr Grenville. I hope my conduct will meet with approbation, for I have endeavoured to do my duty as far as possible, and am verry sorry that in the course of it I have found so much reason to complain of Mr Bernard. It seems as if the love of money had got the better of every good principal in this man. The suspension of Mr Cockle has no doubt touch'd Gov<sup>r</sup> Bernard in a verry tender point, considering their lucrative connection. However, I have conscientiously done my duty void of all prejudice whatsoever. This will be delivered to you by Mr Harrison, the Collector of New Haven, a very sensible, ingenious

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\* Mr. Temple's letter suspending Mr. Cockle is dated Sept. 28, 1764, and assigns the following reasons for the suspension, — "Having received information on oath that you took of David Glover, master of the sloop Gloucester, a bribe of fifty pounds sterl<sup>ing</sup>, instead of the penalty due to his Majesty for the said sloop's breaking bulk before entry in May last; and for your keeping me a week unacquainted with a letter that you received from the Custom House officers at Anguilla of the greatest importance to his Majesty's revenue in America; for your entering into a composition for the duties of near two thousand hogsheads of molasses entered at your port from Anguilla, to the great injury of his Majesty's revenue; and above all for the insult offered me by you in the tender of a bribe to pass over such your proceedings without punishment." Another letter of the same date directs Mr. Cockle to deliver to William Brown, Esq., appointed Collector, all the books, papers, &c., belonging to the office. — EDS.

man. I have pleasure in the opportunity of recommending him to your notice. If you shou'd have occasion to make any enquirys about this country, there are but few men more capable of giveing better information, and I believe his integrity may be depended upon.

As we are now setting out with greatest exactness on the new act of Parliament, and the orders & instructions lately received from the Board of Customs, Mr Cockle's removal may be attended with verry salutary consequences as a warning to others, tho' I must do them the justice to say that I do not suspect that there is now such a corrupt officer left in my district. We have already two or three vessels entered with foreign molasses at this port since the act took place & the three penny duty has been duly paid. The people seem tollerably reconciled to it. My expectations daily increase that the revenue on that article will become considerable. I have not yet rece'd an exact account of the molasses that has been got into my district under the forged clearances from Anguilla. But from a rough estimate it will exceed 5,000 hhds., the duties of which wou'd amount to more than £13,000 sterling.

I set out this evening for New York & y<sup>e</sup> Jerseys, a journey of more than 700 miles out & home. It is not possible for me to represent to you the fatigue & trouble that falls to my share, which has already injured a very good constitution. Do not forget to present my sincere respects to Mr Wedderbourn, Webb, Col<sup>o</sup> Clark, & to every member of that desirable party that I once was a member of in the happiest period of my life. Fortune cannot smile more on me then to bring me to such times again, and I will yet hope for them. I am, my dear Sir, with the most sincere esteem

Your most obedient and most humble servant.

J. TEMPLE.

TO THO<sup>s</sup> WHATELY, ESQ<sup>r</sup>, SECRETARY TO THE TREASURY.

## JOHN TEMPLE TO THOMAS WHATELY.

BOSTON, 4 October, 1764.

DEAR SIR,— Give me leave to remind you of the favour that I ask'd of you on the 10<sup>th</sup> of last month that in case the Lords of the Treasury think proper to appoint another to be Collector of Salem in the room of Mr Cockle that you will interest yourself in favour of my bro<sup>r</sup>, Rob<sup>t</sup> Temple.\* Believe me there is scarce anything that I have more at heart, for this reason (much more than for any views of interest) that it will give me weight in my employm<sup>t</sup> & prevent any attempt either upon my honor or the welfare of the revenue when it is found (notwithstanding Gov<sup>r</sup> Bernard's insinuations) that I am not only supported in removal of a corrupt abandoned officer, but that I have interest to get a good man in his place. You cannot oblige me more, & I shall esteem myself everlastingly obliged to you. I have 20/ a day in an employment in which my whole time is taken up (with the greatest fatigue & trouble), & in which my expences amount to double the sallary. This cannot but have weight with Mr Grenville, who acts upon principals of equity & justice. I am, d<sup>r</sup> Sir,

Your most obd<sup>t</sup>.THO<sup>s</sup> WHATELY, Esq<sup>r</sup>.

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\* The letter of Sept. 10, as copied into the Letter-Book, does not contain the request of which Mr. Whately is here reminded; but at the end of the copy is a memorandum to the effect that at the same time "a second letter" was written to Mr. Whately. Apparently a copy of the letter was not kept. See Mr. Whately's letter under date of Nov. 5, *post*, p. 36. Robert Temple, a Mandamus Councillor and a Loyalist refugee, was baptized at Christ Church, Boston, March 10, 1728; married Harriet, fourth daughter of Governor Shirley; and died in Ireland in 1782. His eldest daughter married the third Lord Dufferin. For some further account of him see Sabine's American Loyalists, vol. ii. pp. 349, 350.—EDS.

## PETITION TO THE HOUSE OF COMMONS.\*

TO THE HONORABLE THE COMMONS OF GREAT BRITAIN IN PARLIAMENT ASSEMBLED:

The petition of the Council and House of Representatives of his Majesty's Province of Massachusetts Bay most humbly sheweth.

That the act passed in the last session of Parliament intituled "An Act for granting certain duties in the British Colonies and Plantations in America, &c.," must necessarily bring many burdens upon the inhabitants of those Colonies and Plantations, which your petitioners conceive would not have been imposed if a full representation of the state of the Colonies had been made to this honorable House.

That the duties laid upon foreign sugars and molasses by a former Act of Parliament intituled "An Act for the better securing and encourageing the trade of his Majesty's Sugar Colonies in America," if the act had been executed with vigor, must have had the effect of an absolute prohibition.

That the duties laid on those articles by the present Act still remain so great that, however otherwise intended, they must undoubtedly have the same effect.

That the importation of foreign molasses into this Province in particular, is of the greatest importance, and a prohibition will be prejudicial to many branches of its trade, and will lessen the consumption of the manufactures of Great Britain.

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\* This petition appears to have originated in the Council, and was brought down to the House of Representatives, Nov. 1, 1764. It was there discussed at considerable length and amended, and was then sent back for concurrence. The next day the Council concurred unanimously in two of the amendments, and non-concurred unanimously in a third. The House then concurred, but added further amendments to which the Council refused to give their assent. A Committee of Conference was subsequently appointed, through whom an agreement was reached; and the Secretary was authorized, in behalf of the Council, and the Speaker, in behalf of the House, to sign a fair draught. The copy from which we print is not signed, but is indorsed, "Sent." See Journal of the House of Representatives, 1764, pp. 129, 132, 133, 135.—EDS.

That this importance does not arise merely nor principally from the necessity of foreign molasses in order to its being consumed or distilled within the Province.

That if the trade for many years carried on for foreign molasses can be no longer continued, a vent cannot be found for more than one half the fish of inferior quality which is caught and cured by the inhabitants of the Province; the French permitting no fish to be carried by foreigners to any of their islands unless it be bartered or exchanged for molasses.

That if there be no sale of fish of inferior quality, it will be impossible to continue the fishery; the fish usually sent to Europe will then cost so dear that the French will be able to undersell the English at all the European markets, and by this means one of the most valuable returns to Great Britain will be utterly lost, and that great nursery of seamen destroyed.

That the restraints laid upon the exportation of timber, boards, staves, and other lumber from the Colonies to Ireland and other parts of Europe, except Great Britain, must greatly affect the trade of this Province, and discourage the clearing and improving the lands which are yet uncultivated.

That the powers given by the late Act to the Court of Vice Admiralty constituted over all America are so expressed as to leave it doubtful whether goods seized for illicit importation in any one of the Colonies may not be removed, in order to trial, to any other Colony where the Judge may reside, although at many hundred miles distance from the place of seizure.

That if this construction should be admitted, many persons, however legally their goods may have been imported, must lose their property, merely from an inability of following after it, and making that defence which they might do if the trial had been in the Colony where the goods were seized.

That this construction would be so much the more grievous seeing that in America the officers by this Act are indemnified in case of seizure whensoever the Judge of Admiralty shall certify that there was probable cause, and the claimant can neither have costs nor maintain an action against the person siezing, how much soever he may have expended in defence of his property.

That the extension of the powers of the Courts of Vice Admiralty have, so far as the jurisdiction of the said Courts hath been extended, deprived the Colonies of one of the most valuable of English liberties, trials by juries.

That every Act of Parliament which in this respect distinguishes his Majesty's subjects in the Colonies from their fellow subjects in Great Britain must create a very sensible concern and grief.

That there have been communicated to your petitioners sundry resolutions of the House of Commons in their last session for imposing stamp duties or taxes upon the inhabitants of the Colonies, the consideration whereof was referred to the next session.

That your petitioners acknowledge with all gratitude the tenderness of the Legislature of Great Britain of the liberties and priviledges of the subjects of the Colonies, who have always judged by their representatives both of the way and manner in which internal taxes should be raised within the respective governments, and of the ability of the inhabitants to pay them.

That they humbly hope the Colonies in general have so demeaned themselves, more especially during the late war as still deserves the continuance of all those liberties and priviledges which they have hitherto enjoyed.

That although during the war the taxes upon the Colonies were greater than they have been since the conclusion of it, yet the sources by which the inhabitants were enabled

to pay their taxes having ceased, and their trade being decayed they are not so able to pay the taxes they are subjected to in time of peace as they were the greater taxes in time of war.

That one principal difficulty which has ever attended the trade of the Colonies proceeds from the scarcity of money, which scarcity is caused by the balance of trade with Great Britain, which has been continually against the Colonies.

That the drawing sums of money from the Colonies from time to time must distress the trade to that degree that eventually Great Britain must lose more by the diminution of the consumption of her manufactures than all the sums which it is possible for the Colonies thus to pay can countervail.

That they humbly conceive if the taxes which the inhabitants of this Province are obliged annually to pay towards the support of the internal government, the restraint they are under in their trade for the benefit of Great Britain, and the consumption thereby occasioned of British manufactures be all considered, and have their due weight, it must appear that the subjects in this Province are as fully burthened as their fellow subjects in Britain, and that they are, whilst in America, more beneficial to the nation than they would be if they should be removed to Britain, and there held to a full proportion of the national taxes and duties of every kind.

Your petitioners therefore most humbly pray that they may be relieved from the burdens which they have humbly represented to have been brought upon them by the late Act of Parliament as to the wisdom of the honourable House shall seem meet, that the privileges of the Colonies relative to their internal taxes which they have so long enjoyed may still be continued to them, or that the consideration of such taxes upon the Colonies may be re-

ferred until your petitioners in conjunction with the other governments can have opportunity to make a more full representation of the state & condition of the Colonies and the interest of Great Britain with regard to them.

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THOMAS WHATELY TO JOHN TEMPLE.

5<sup>th</sup> Nov<sup>r</sup>, 1764.

DEAR SIR, — I am favoured with your letters of the 10<sup>th</sup> & 11 of September, and I received at the same time the packett of papers relative to the affair of Anguilla which you enclosed to me, and which I transmitted to the Custom House. Before I sent them thither I shewed them to M<sup>r</sup> Grenville, who had received a letter from you for which he desires me to return you his thanks. He will be obliged to you at all times for any information which you think deserving his notice. He always expresses the highest satisfaction in your conduct, and he bids me assure you that you may depend upon all the support he can give you in the execution of an office which you fill with so much spirit and ability. The papers relative to Anguilla have since come from the Custom House officially before the Lords of the Treasury, who have entered in their Minutes their approbation of your behaviour and have ordered the dismission of M<sup>r</sup> Cockle.\* I have upon this made y<sup>e</sup> application you desired for your brother to succeed him.† M<sup>r</sup> Grenville said that he should be very happy to have given you a mark of his favor, and hopes upon some other occasion he shall have an opportunity of doing it, but he thinks that to fill up a vacancy made upon your complaint with a person so nearly related to you

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\* James Cockle had been collector of customs at Salem since 1760. His dismission appears to have been received with much favor in Salem and Boston. See Rowe's Diary in 2 Proceedings, vol. x, p. 60.—Eds.

† See note, *ante*, p. 31.—Eds.

might expose you to reflections which however unjust might rather diminish than encrease your authority, & would at this juncture be prejudicial both to you and the service. Had the vacancy happened by any other means, I believe the merit you have with M<sup>r</sup> Grenville by your conduct would have been a strong recommendation of your brother; it will be so should you ask for any thing else. I am sure you must see the weight of this consideration upon the present occasion. I am much obliged to you for the information you have given me on the other points about which I took the liberty to write to you. I cannot help flattering myself that the duty on molasses will not be found upon experiment so grievous as it is represented to be; the alarm was raised on the measures that were taken for levying all the duties rigorously when this was at six pence. The same clamour is continued now that y<sup>e</sup> duty is lowered to three pence, and yet certainly there cannot be the same ground for apprehension of mischief to the manufactory. I own I do not give entire credit to all the objections that are raised on your side of the water. I doubt they are inclined to object to all taxes, and yet some are absolutely necessary. Tho' "all the produce of the Colonies should go in the end to Great Britain for her manufactures," which I wish were more the case than it is, yet burthen'd as this country is with debt and with expence, some attention must be had to revenue, and the Colonies must contribute their share; tho' I believe, as there is no idea of charging them very highly, the part they will bear will be found much less than their proportion. The stamp act seems the easiest mode of collecting a considerable sum. What will be the rate and what the subjects of the several duties cannot yet be ascertained. They must differ in many particulars from those in Great Britain, but in which, and to what degree, will depend upon the information that will be received, before the passing of the law, of the

produce to be expected from the several articles, and of the ability of the Colonies to bear the charge upon each. Any lights you can give me will be very welcome. I always loved the Colonies, I am, I always was, curious about them, and very happy when I am employed in any business that relates to them. The present circumstances of affairs gives me a great deal in my office, and the House of Commons must be full of the subject. Tho' much is done, much is still to do before that important and now vast object can be properly settled ; but I am confident it will be done right at last. I know that those who are at present in administration are anxious for the prosperity of the Colonies, and highly sensible of their importance. The revenue to be raised there has been a principal subject of consideration lately, and is so still ; & all that is to be aimed at seems to be to raise as much as the Colonies can without grievance supply towards relieving the mother country of part of her annual expence, to which surely they might contribute largely without difficulty, and ought to do so without complaining. I shall hope for the continuance of your correspondence upon all occasions. I shall always be happy to obey your commands if I can be of any service to you here.

An alteration, I believe, will be made in the districts of the Surveyors in order to include the new conquests ; the whole continent is to be divided into three districts. You will by that means be relieved from the inspection of some provinces, but your salary is to be continued as before ; you are besides to be allowed the additional clerk you apply for. You mention the detriment it will be to the Colonies to have so much of their money as shall be raised by y<sup>e</sup> tax remitted home ; but when that is to be applied to the support of troops there, and consequently will not be sent hither in order to be sent back, that inconvenience will be avoided. I am, &c.

Dear Sir,— Since I wrote the above I am favour'd

with yours of 3<sup>d</sup> Oct<sup>r</sup> last, with the proofs of M<sup>r</sup> Cockle's misbehaviour. His dismission will, I hope, be a warning to prevent such practices for the future & give weight to your authority over the officers in your district. An answer is received from Gov<sup>r</sup> Hopkins \* to your complaint against him, which is order'd to be sent to you for you to reply to. You will find warm expressions are laid hold of there, & you may depend upon it you will always be liable to have all y<sup>e</sup> words taken notice of, & perhaps exaggerated, which may drop from you in the disputes you must be continually engaged in. I do not suppose you ever use any that are blameable, but you will excuse me for presuming as your friend just to hint that to men in office nothing is of more consequence than the utmost temperance of language. The least slip is made a matter of complaint, & with a little heightening is retorted upon them against the complaints they make of others, which gives y<sup>e</sup> accused persons an advantage over their accusers. M<sup>r</sup> Harrison, who brought me your letter, left it at my house when I was out, & I have not been able yet to find his lodgings, tho' I have enquired much after them. When I can meet with him, I shall be very happy to shew him all y<sup>e</sup> civilities which your friends may always depend upon from me, & which his own character entitles him to from every body. The news you sent of the taking place of the new act & of the entry of some melasses was the first intelligence received here concerning it, & must give pleasure. I have no doubt that a little time & reflection will reconcile your people to the duty on melasses, & your account seems to promise that it will be so. Your friends Webb & Wedderburn are well & desire their best respects to you.

Always, with perfect esteem, your most faithful & obedient serv<sup>t</sup>.

THOMAS WHATELY.

TREASURY CHAMBERS, 8<sup>th</sup> Dec<sup>r</sup>, 1764.

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\* Stephen Hopkins, Governor of Rhode Island.—EDS.

## JOHN TEMPLE TO THOMAS WHATELY.

BOSTON, 1<sup>st</sup> Decem<sup>r</sup>, 1764.

DEAR SIR,—I very much fear that I shall tire your patience on a subject that must be dry & uninteresting to you. But as I have troubled you with what has occur'd, I now send you the remainder, that you may see what a seen of corruption has taken place in this country. Gov'r Bernard's resentment to me is great, & I believe sincere, as 'tis generally thought I have removed the best milch cow he had. Upon my honor I believe Mr Cockle's office produced him near as much as the honest income of his goverment. I am now threatned with the interest of his friends against me, which, I hear, he says he will move to the utmost; however that may be, on my own integrity & the uprightness of Ministry I rely, regardless of such threats from a man whose God seems to be money. I have, as I apprehend, faithfully done my duty, & I shou'd but ill deserve the trust reposed in me had I omitted any part that I have acted. I received your last favour yesterday by the packet, & will not fail to comply with every part of it, for I am, with the greatest esteem & friendship, my dear Sir,

Yours, &c<sup>a</sup>., &c<sup>a</sup>., &c<sup>a</sup>.

Inclosed is copy of Mr Cockle's defence, with my remarks in the margent, copy of my letter to the Board of Customs, & copys of such depositions as have been since given me, setting forth Mr Cockle's corruption.

Tho<sup>s</sup> WHATLEY, Esq<sup>r</sup>.

## JOHN TEMPLE TO THOMAS WHATELY.

BOSTON, 9 Dec<sup>r</sup>, 1764.

DEAR SIR,—I wrote you a long letter yesterday upon business.\* I hope not to be so troublesome to you again,

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\* The letter referred to was not copied into Mr. Temple's Letter-Book. — EDS.

but that my letters may be such as will afford you some amusement. I am preparing the answer to all the questions that you have asked me which you shall have by the next packet. I have just now finished a letter to Mr Grenville, in which I have taken the liberty to ask his friendship to my brother. I have not particularly mentioned the Collectorship of Salem, tho' nothing wou'd give me more satisfaction. I wou'd have ask'd Mr Grenville to give him that place in particular had I not myself made the vacaney, which might look as if I had been the more desirous to remove an officer for the sake of having my brother provided for. Inclosed I send you a letter that Mr Grenville wrote me some years ago ; if you think it will be of service & not improper, I will be obliged to you to shew it to him. He will then recollect that he once before interested himself in my bro<sup>r</sup>'s fav<sup>r</sup>, tho' unluckily it happen'd to be too late. I am, dear Sir.

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JOHN TEMPLE TO THOMAS WHATELY.\*

BOSTON, N. E., 10 Jan., 1765.

MY DEAR SIR,— My last to you was of the 9<sup>th</sup> of Dec<sup>r</sup>, since which I have rec<sup>d</sup> two more depositions of Mr Cockle's corruption, and have by this opportunity inclosed them to Mr Grenville, with seven others that I had before transmitted home. Since the suspension of Mr Cockle, Gov<sup>r</sup> Bernard's resentm<sup>t</sup> is become almost implacable and without bounds. He is taking much pains to find matter against me, and for want of something more material he is endeavouring to palm upon me every idle expression of contempt relating to him which his own conduct has made common in this country. Upon such materials he is forming complaints to be transmitted home ; threatens

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\* This is the last letter from Mr. Temple to Mr. Whately which was copied into Mr. Temple's Letter-Book. The later letters in the book, which ends with April, 1768, are almost exclusively of an official character.—EDS.

me with his interest, and, I am told, openly boasts that he will engage M<sup>r</sup> Jackson and M<sup>r</sup> Secretary Pownall against me, but of which I am not very apprehensive, having too high an opinion of those gent<sup>r</sup> to imagine that they will become my enemys at his request, having never knowingly done anything that could displease either of them. On the contrary I have always acknowledged the obliging civilitys I rec<sup>d</sup> when in England both from M<sup>r</sup> Jackson & M<sup>r</sup> Secretary Pownal, and as I apprehend you must be acquainted with those gentlemen, you will very much oblige me in presenting my best respects to them, and believe me to be, my dear Sir,

Sincerely yours,

J. TEMPLE.

Tho<sup>o</sup> WHATELY, Esq<sup>s</sup>.

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JOSEPH HARRISON\* TO JOHN TEMPLE.

LONDON, Jan<sup>ry</sup> 12<sup>th</sup>, 1765.

SIR,—I have at length the pleasure of writing to you from London. This is my first opportunity, which I gladly embrace agreeable to your request. Wee arrived safe at Portsmouth after a passage of 6 weeks and 4 days from New London. Nothing material attended our voyage. We had the usual variety of rough and smooth seas, hard and moderate gales with other incidents that generally crowd a seaman's journal, so that by good or ill fortune (which you please) I have no wonders to relate in a journey of 3300 miles.

I unluckily happened to get lame by an accident at Portsmouth, which confined me there a week; and I was

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\* Joseph Harrison was at one time collector of customs at New Haven, Conn., and went to England in October, 1764, with Jared Ingersoll. (See Conn. Col. Recs., vol. xii. p. 300, note.) In the early part of 1766 he was an assistant to Edmund Burke, private secretary to Lord Rockingham. He was collector of customs at Boston at the time of the destruction of the tea, and for some years previously, having been in office as early at least as Nov. 1, 1766. — EDS.

3 or 4 days in town before I was able to stir abroad. My first visits were to Mr Jackson and Mr Whateley, and was by the latter introduced to Mr Greenville, to whom I delivered your letter. He made some general enquiry's relating to the late Act of Parliament, and the sentiments of the people in America about it; but I found that he did not like to hear that there should be any surmise of its not being likely to produce the sum expected, which I am afraid has been estimated much too high, and I am very sensible will fall vastly short of the sanguine hopes that have been entertained about it. After a short conversation Mr Greenville referr'd me to his Secretary for any thing further I might have to communicate to him. Mr Jackson has lately been made private secretary to Mr Greenville, and generally suppos'd to have considerable influence with him, and being also your very good friend, I concluded he would be the properst person to depend on in the affair of the Salem Collectorship. And accordingly I took the earliest opportunity after my arrival here of talking to him on the subject, relating to the application in behalf of your brother. On which occasion I urg'd every argument I could think on that might be likely to promote his obtaining it, particularly that in the exercise of the commission with which you are at present invested nothing could tend more to strengthen your hands, and enable you to execute those powers with advantage to the Crown than an opinion of your having influence with, and being well supported by the ruling powers here at home, of which nothing could be a more striking demonstration than the appointment of your brother to this Collectorship, whose integrity and abilities it would have been unjust in me not to have recommended with the utmost zeal, as I verily believe him to be one of the best men living. I was aware that a difficulty might be started from a surmise that your suspending Mr Cockle might have been done with a view of making a vacancy

for your brother, &c., but this I apprehended I could effectually obviate, having purposely had some conversation with M<sup>r</sup> Inman at Cambridge on the subject of M<sup>r</sup> Cockle's demerits, in consequence of which I was enabled to assure M<sup>r</sup> Jackson from my own knowledge that even his friends and most intimate acquaintance had given him up, and that you could not with any kind of propriety or regard for your own character have delay'd any longer to displace him. This, I was in hopes would have had some effect, and it was a great mortification to me when I heard that one M<sup>r</sup> Fisher \* is finally appointed to the office. M<sup>r</sup> Jackson will no doubt inform you of the motive for this determination, which I cannot explain, but I sincerely condole with your brother on the disappointment.

I have not yet had any opportunity with the Commissioners; but I have been introduced to M<sup>r</sup> Corbyn Morris, from whom I understand that your conduct is highly applauded, particularly your spirited behaviour to Governour Bernard on Cockle's affair, concerning which I am told by M<sup>r</sup> Whateley he will soon be called to a severe acco<sup>t</sup>. With regard to the difficulties and ambiguities relating to the Act of Parliament, I can't find that any body here cares to give their opinion, but leave it to every particular officer to put his own construction. However, I believe some amendments will be made this session of Parliament, particularly relating to the prohibition of carrying lumber to Ireland which seems to have been an oversight in drawing up the act.

The Parliament met last Thursday, and the minority still continue their opposition, but I fancy will make no great figure this sessions. Several party pamphlets have been published lately, some of which I shall send you by a ship bound to Boston. M<sup>r</sup> Otis's Rights of the British

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\* James Fisher was appointed in 1765 collector of customs at Salem, the duties of the office, after Cockle's dismission, having been temporarily discharged by William Brown. See Felt's Annals of Salem, vol. ii. p. 380. — Eds.

Colonies has been reprinted here, and I am told gives great offence to the Ministry. The affair of the Stamp duty seems to be resolved on; so your people may as well make themselves easy about it. My complim<sup>ts</sup> to your brother, Mr Inman, & Mr Hale. I am, Sr,

Yo<sup>r</sup> most obed<sup>t</sup> humble serv<sup>t</sup>.

Jos<sup>u</sup> HARRISON.

I should be extreamly glad if you would favour me with a line when you have leisure. Direct for me at Mr Sherwood's, in Warnford Court, Throgmorton Street. London.

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JOHN NELSON\* TO JOHN TEMPLE.

[February, 1765.]

MY DEAR JACK,— By Capt Hunter you and my friends I hope before this comes to hand have heard perticularly of me and my affairs. I do not send you copy by this opp<sup>t</sup> as the bearer can tell you allmost every thing I have mett with or felt; so that I do not design to pleasure myself by repetition of the one or to discompose myself by relating the other, but refer you to him who is a very honest good young man; and I have discover'd so much cleverness in him at the time of my greatest distreses, when those I was more acquainted with, and had dependence on, forsook me, that I shall ever esteem him, and I shall be obliged to you and Mr Temple if you would take notice of him. I write no one but you by this ship. Therefore I leave it intirely to your judgement wether there be any occasion to introduce him to another quarter, as that depends on circumstances that you must be best acquainted with.

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\* John Nelson, a grandson of the well-known Colonial merchant who took a conspicuous part in the New England Revolution of 1689, was born in Boston, Dec. 12, 1730, and died unmarried, in the island of Grenada, in 1784. — Eds.

Next to that of making you known to Mr<sup>r</sup> Montgomery and telling you I think him a man of strict truth, I intended this letter for the purpose of inclosing you 0. 2. 0 of Parliamentary Resolves, which according to my little judgement of the state of the Colonies seems to threaten allmost the destruction of some of them, considering the heavey taxes of last year, tho' I may assure you there is reason for hope of some releif in respect of some of those. The most staunch freinds to the Colonies wishes they had not been so obstinate in the point of Right that the Crown had of imposing taxes. I am led to suppose they must have been wrong, because both within doors and without all I have heard speak on the subject at once give it against the Provinces, and allow the Power & Right. I have had an opp<sup>t</sup>y of hearing much on both sides, and even that great advocate Coll<sup>o</sup> Barry\* at the grand debates fell in with the whole House in that respect, but at same time endeavor'd to appologize for their so doing, giving for reason, their distresses urged them; and in every respect spoke so feelingly and like a hero for them, that altho' it had no effect he allmost deserves a monument among you for his attachment to America. He most strongly reccommended that if there must be a tax laid, tho' he could wish there was to be none, that the Provinces might be indulged with the liberty as heretofore of furnishing their quotas of any sums required and colecting it in their own modes. He said he dreaded the consequences if the Act should pass, and that he knew the inhabitants trembled for fear. When a motion was made for adjourning for a few days he immediately seconded it in order to make further inquireys and to be better prepared, but, says he, I should with greater pleasure second a motion that it might never be bro't on the carpet again. For altho' Great Brittan has an undoubted right, yet he presumed

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\* Col. Isaac Barré. The references are to his speech in opposition to the passage of the Stamp Act. — EDS.

its authority ought to be exercised with the same tenderness as parents do theirs over their children, and not lay too heavey burthens upon them in infancy, least they prevent their growth or deform them. In short he used every argument in favor of the Colonys, by which he merits their esteem. But all his eloquence and fine address could avail nothing. The thing took such a turn the other way that there was 240 odd against 30. Its had a second reading, and will undoubtedly pass without amendment, and God have mercy on you, for I do not know where you'l get mony enough to pay even for stamps. I have been ask'd what I thought of it. I ventured to say that my oppinion was that all the sterl<sup>g</sup> mony circulating in the Provinces would not be sufficient for that and paying the late duties imposed. I could have wished that some who knew the perticular state of each Colony, & their Constitution, had some of the opp<sup>ts</sup>s that I have had ; they might perhaps produced good effects, for I must confess I am not so well acquainted with the different conditions and constitutions of the several goverments as I ought to be. Therefore it would be absurd for me to pretend to enter on perticulars. As to trade I have spoke my sentiments, and also by desire reduced them to writing, which I can convey to you in a few words, by saying they are different from allmost every article of the late Act. To make it appear impartial I have also signifyed that by my connnections in the West Indies I speake against my own interest ; that as the act stands it would be in favor of the Islands ; that I never expected to be in trade again, & little reason to suppose but what it would be as likely that I took up my residence in another part of the world as that. Every little effort of mine shall be joined with those of the freinds to America, and I wish that all the mites togather might turn the ball<sup>ee</sup> in favor. I wish I could say there was any tollerable prospect, and I with every body else wish likewise, that instead of disputing about Right or Privi-

ledges that the Provinces had tho't proper to let it alone for another time, and pleaded their inability, their debts, &c, &c. Its tho't that would have been productive of better consequences. The steps taken seemed generally resented by the whole House of Commons, and its imagined many have received prejudices on that acco<sup>t</sup>. There has been many independent pamphlets, and some addresses tending that way, which have done the Provinces no service, and was the occasion that none of the latter was allowed to be read. One from Virginia was begun, as one of the mildest, with the hopes of the rest following, but it was stopey by a great majority.

I did not think to have wrote you so long a letter, but to be plain with you, I had nothing this evening to do, & I dont know that I should not add much to it but for the clock's telling me it's time to go to bed. Do tell my dear Bob to think of what I wrote him, and that I think he will hear from a person that will join a sum with him soon, if he likes. I was at Lord Gage's the other day when your health was given by him. Your friend M<sup>r</sup> Steward desires his compliments, as does S<sup>r</sup> George, and that very worthy man M<sup>r</sup> Jackson. He is very much your freind. Remember me to every body, and allways beleive me, my dear S<sup>r</sup>,

Yours sincerely ;  
J<sup>N<sup>o</sup></sup> NELSON.

P. S. I had forgot to tell you, I have a small addition to my income since I last wrote. A gentleman has put an est<sup>a</sup> of 150 l<sup>ds</sup> under my care & direction, on which there will be a commission, & but little trouble.

Some alterations in your Province is talked of. I have taken passage in Capt. Reed bound to Madeira & Granada, sails ab<sup>t</sup> 1<sup>st</sup> March. I believe it more likely the 10<sup>th</sup>.

## THOMAS WHATELY TO JOHN TEMPLE.\*

[FEBRUARY, 1765.]

. . . the appellation of a great measure on account of the important point it establishes, the right of Parliament to lay an internal tax upon the Colonies. We wonder here that it ever was doubted. There is not a single member of Parliament to be found that will dispute it, & the proposition of a stamp duty seem'd so reasonable when made last week to the House, that but 49 divided against it, when 245 were for it, & the expediency only was debated. This puts an end to all opposition to the principle of the bill, & now the rates are the only question. I suppose you must be curious to know what they are, but I cannot gratify your curiosity with a copy of the resolutions. I can, however, give you a general plan of the bill as it is intended to be offer'd to the House. The proceedings in Courts of Justice are rated variously as to the proportion they bear to the English duties ; some are as high, others do not amount to half as much, so that I believe one with another they may be reckon'd at three fourths or two thirds of the duties we pay, but lying in general lightest on those you use most. The law instruments, such as deeds, bonds, &c<sup>a</sup>, are charg'd nearly the same as the English, except conveyances of land & bonds for the payment of money. The former of these are upon a very different footing from ours, being proportion'd to the quantity of land convey'd. With us they are all rated alike whether the estate they relate to be of five pounds or fifty thousand pounds value. In the Colonies it is proposed that a conveyance of 100 acres shall pay 1<sup>s</sup> 6<sup>d</sup>, of 200 acres 2<sup>s</sup>, & of 320 acres 2<sup>s</sup> 6<sup>d</sup>, which is the English duty ; so that all below that quantity is lighter taxed than here, but on the other

\* The first part of this letter — probably about a third of the letter — has not been found.  
— EDS.

hand all above that quantity will be higher, as an additional 2<sup>s</sup>. 6<sup>d</sup>. is proposed to be charged upon every additional 320 acres, & this duty being applicable equally to grants, it is hoped the effect may be some check to those enormous grants & conveyances which are so detrimental to the Colonies. Land in the West Indies being much more valuable than with you, it is taxed just double in all these proportions. Another difference between them & you is in bonds for payment of money. All theirs are charged with the English duties ; your small bonds below £40 are much lower. Probates of wills & letters of administration are rated in the West Indies as high as in England ; in North America at but half as much. Commissions & appointments to offices are also charged as high in the Islands as they are here ; but on the continent at no more than two thirds ; & all commissions of the army, navy, militia, & justices of the peace are entirely excepted. Your annual offices too are lightly taxed. It is not so in England. We do not propose to charge your admissions into corporations, which would fall upon y<sup>e</sup> continent only, & very heavy upon the charter governments. All licenses & certificates of marriage too are exempted. Pardons & some others of less note which pay in England are not taxed in the Colonies. Your licences for spirituous liquors are rated as low as our ale licenses, which is a very great disproportion, & your wine licenses much lower than ours. Cards, dice, newspapers, & advertisements will be the same as here, but there are many things charged here which are not in use amongst you, such as debentures, conveyances of copyhold estates. &c<sup>a</sup>. On the other hand there are but few rated in the Colonies which are not rated here. The only one of any consequence is the cockets ; but they are charged with no more than a 4<sup>d</sup>. duty, & that is put on more to prevent frauds than to procure revenue. The Anguilla clearances gave the hint of the precaution. Indeed, many of the duties will have a like e · t in other

instances. Your publick registers too are taxed with 3<sup>d</sup>. upon every entry, but then the deeds to be enter'd are charged with 3<sup>d</sup>. less than in England. The whole money to be raised is appropriated to the defence of the Colonies, & will consequently never be drawn out of them ; so that the only effect of the tax will be that we shall send so much less than we have hitherto, & after all we shall still send by much the greater part of the money required for that purpose, & more than we did during y<sup>e</sup> last peace. This is the general plan of the proposed tax. You know it is subject to great alterations in going thro' the House, before it will be pass'd into a law, but if it should come out nearly as it has been first proposed, do you think sincerely that the Colonists will have reason to complain of a grievance, when they consider how much we are burthen'd ? I could fill many pages with the subject, but have not time at present. I wish only to give you facts for you to judge whether there is a want of proper attention to the Colonies. I am sure there is no want of regard to them. The lumber, I believe, will be allow'd to be carried to Ireland, & all other reasonable advantages will be given to them. Is there any truth in a report we have of some orders issued against you in Rhode Island ? I should be glad to know what they are. You must pardon this hasty scrawl. It is with difficulty I find time to write to you at all, but I could not let this opportunity pass without acknowledging your favours & assuring you that I am

Sincerely yours.

T. WHATELY.

Ingersal \* has been much with me. Gov<sup>r</sup> Hamilton is arrived. They both dine with me to-morrow, & we shall wish you of y<sup>e</sup> party.

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\* See note *ante*, p. 19.—Eds.

THOMAS WHATELY TO JOHN TEMPLE.

TREASURY CHAMBERS, 10 May, 1765.

DEAR SIR,— I am much obliged to you for the two pamphlets you sent me on the question of the right of the Parliament of Great Britain to tax the Colonies. The answer to Governor Hopkins seems to me very sensible & fully confutes his arguments. That part which is a personal attack upon him I cannot judge of as I do not know him, & in general I wish such reflections spared ; but the argumentative part I think very conclusive, & I am glad to find that there are men in America who have consider'd the true state of the case, & do not run away with y<sup>e</sup> general current into a proposition so untenable as that an acknowledged sovereign legislature cannot lay taxes. The matter has been debated here tho' very weakly. I will in return for your pamphlets send you two or three on y<sup>e</sup> subject which seem to me the best. Our old friend Ingersol will bring them to you from me. He proposes soon to set out for Boston in his way home, & will, I am sure, undertake the care of any packet I may send by him. He returns y<sup>e</sup> distributor of stamps for Connecticut, which Mr Grenville has very freely given to him as a person very proper to be put into the office. He has endeavour'd to direct his choice throughout to the most proper persons. Hitherto, except in the new colonies, he has confined himself to colonists, & those of the most respectable people in their several provinces. They will find their account in it, both as a place of emolument & of influence, as the appointment of the under distributors will be left to them, I believe, entirely. I have received your favours of the 8<sup>th</sup> & 20<sup>th</sup> Feby. The affair between you & Governor Bernard has not, I understand, been yet decided on by the Council. The Parliamentary business has been so heavy

as to engross entirely all the attention of y<sup>e</sup> ministers & of the offices ; not that they have met with any opposition worth mentioning. In that respect the sessions has been as easy as it was possible ; but I believe there never was so much publick business transacted within the time. Among others a bill is now before y<sup>e</sup> House which relates almost entirely to the colonies. It is intended to remove all reasonable objections to the act of last year ; to allow the passage of all vessels without decks within a certain distance of the shore & under certain descriptions without taking out cockets ; to settle as far as we can settle, uninformed as we are, the fees of the Custom House officers, but this is only a temporary provision which must be made more particular & more precise next winter, when we shall know more exactly the state of that affair ; to extend the liberty of exporting rice to North Carolina, which is not included in the act of last year ; to take off the last duty on coffee of y<sup>e</sup> growth of our own islands, in order to encourage the cultivation of it ; to permit the exportation of iron directly from the colonies to Ireland as well as to Great Britain, & the exportation of lumber not only to Ireland but also to the Madeiras, the Azores, & any part of Europe to the southward of Cape Finisterre ; & for the further encouragement of the Americans it is proposed to grant a bounty of about twenty shillings on 120 deals, planks, or boards of 10 feet long, 10 inches wide, & 1½ inch thick, with a proportionable bounty on other timber. This to continue for three years, then to be reduced to 15 shillings for three years more, & for y<sup>e</sup> next period of three years to ten. This bounty in y<sup>e</sup> present state of the trade will enable y<sup>e</sup> merchant to bring a cargo of deals or timber, & make himself whole. Under y<sup>e</sup> encouragement of this bounty it is hoped that the Americans will find it worth their while to improve their saw mills & to build ships on purpose for bringing timber, & then y<sup>e</sup> profits will be greater, so as it is hoped to enable

the colonies hereafter to supply all the consumption of Great Britain. This subject has naturally drawn Mr Grenville's attention very much to the state of the King's woods, which are represented to him to have been very much neglected, & I therefore think it very probable that some considerable alteration may be made in that department. Should there happen a vacancy in the office of Surveyor General of the Woods, which seems to me very probable, it has occurred to me that the place would probably suit your brother.\* You have often desired me to mention him to Mr Grenville. You may be sure I have done so, but I could only do it in general terms, as there was no specific office in view, except that of Collector of Salem, which you yourself saw afterwards could not properly be given to him. Mr Grenville has always received this general application in a manner that shew'd his good-will to your family, & I would on that ground suggest your brother to be the Surveyor Gen<sup>l</sup> of the Woods, in case of a vacancy, if I knew your & his sentiments upon it. No alteration, you may be sure, would be thought of but with a view to have the office fill'd in a much better manner than it has been hitherto. Great attention & activity will be necessary, & as that would occasion a change in your brother's manner of life I cannot mention the subject without knowing his wishes upon it. He may freely communicate them to me, as in case no vacancy should be made, or it should be fill'd with another, I shall take care not to say any thing about it which he would wish not to have said, if he does not succeed. I trust to him & to you that you will observe the like caution, & not mention to any body on your side of the water that it is probable Governor Wentworth may be removed from that office, & that it is certain that the Governor & the Surveyor of the Woods will never again

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\* Robert Temple. Benning Wentworth, Governor of New Hampshire, was Surveyor General of the Woods.—EDS.

be the same person. I have had the pleasure this winter of being acquainted with M<sup>r</sup> Neilson,\* who, I understand, is nearly related to you, & stands in the same degree of relation as yourself to the Grenville family. M<sup>r</sup> Grenville has appointed him Collector of Nevis, whither he is now gone. The place, I believe, is worth four or five hundred a year, & entirely consistent with his views of settling in that part of the world. M<sup>r</sup> Meserve, son to the Coll., is appointed distributor of stamps for New Hampshire; M<sup>r</sup> Johnstone for Rhode Island; M<sup>r</sup> M<sup>c</sup>Evers for New York; & M<sup>r</sup> Oliver for Massachusetts. The latter gentleman I have known all my life by name, tho' never personally, & I suppose there could not have been a better person chosen. An uncle of mine of the name of Thompson had long an estate of his in your country under his management. A near relation of mine has it now, & I have myself a little piece of uncultivated land which requires no management, but which he has sometimes been troubled with, so that he is a sort of family acquaintance. I have always heard a great character of him, & I was glad that the office was given to so very respectable a person. There is a gentleman, I understand, coming over who does not know me even by name, but of whom I have heard much, a M<sup>r</sup> Hutchinson.† I should be obliged to you if you could contrive that I might be acquainted with him, whilst he is here, by giving him a letter to me, or by any other means you may think proper. Our old acquaintance Governor Hamilton is in London, & I am afraid but in an indifferent state of health. He has an eruption on his nose which he fears may be cancerous, tho', I understand, y<sup>e</sup> physicians here rather give him hopes that it will not prove so. It is, however, a doubtful case, & that I think a bad one, when such a terrible distemper is the prospect. I hope to hear from

\* John Nelson. He was a cousin of John Temple. See notes, *ante*, p. 3.—EDS.

† Thomas Hutchinson, afterward Governor of Massachusetts.—EDS.

you by y<sup>e</sup> return of y<sup>e</sup> packet. You will hear from me by Ingersol. I am with great truth,

Your most obed<sup>t</sup> serv<sup>t</sup>.

THOMAS WHATELY.

If your brother wishes to apply to be Surveyor of y<sup>e</sup> Woods, you must tell me his Christian name.

13<sup>th</sup> May, 1765.

DEAR SIR,—I have been prevented by an accident from sending this by the packet, but the opportunity of a private conveyance has offer'd by the way of New York, & the delay occasions the addition of a pamphlet to tell you of the alteration intended in the Vice Admiralty Court. It having been represented that the option of carrying all causes within that jurisdiction to Halifax might be made a great grievance, it is proposed to divide all North America into three districts; to have a Court of Vice Admiralty for each, & to confine all causes to the Court of y<sup>e</sup> district. The division is not yet exactly fixed, but the places where the Courts are to sit will, I believe, be Boston, Philadelphia, & Charles Town. Each will have a jurisdiction over the neighbouring provinces only, & so situated there will be no part of the continent further distant from that which it is subject to than many parts of England are from the Exchequer. The Judges will have very large salaries, & great care taken in the choice of them. They will each have in their district the same powers as is now in the Court at Halifax over all America, with this alteration that they will not only have original jurisdiction, but also be Courts of Appeal from y<sup>e</sup> Provincial Vice Admiralty Courts, all which you will see provided for in y<sup>e</sup> stamp act, on y<sup>e</sup> presumption that these additional Courts are to be established.

T. W.

## JOSEPH HARRISON TO JOHN TEMPLE.

LONDON, June 12<sup>th</sup>, 1765.

SIR,—The last letter I wrote you was from Bawtry, dated April 25<sup>th</sup>, just to acknowledge the receipt of yours of Jan<sup>y</sup> 10<sup>th</sup>, which is the only letter I have yet received from you. I have been about 3 weeks in town, where there has lately been the strangest confused scene of riot and disorder in the city, and political squabbles at Court, that can possibly be imagined. So many turns and over-turns happened during the space of a few days that it will be impossible to give you a tollerable idea of those several transactions within the compass of a letter, even tho' I was well informed of all the intrigues of the parties concerned, which is farr from being the case; and tho' many accounts are given of the affair, I am apt to think the publick are yet strangers to the secret. M<sup>r</sup> Ingersoll (who is passenger on board the ship this goes by) can give you the common talk of the town on the subject, and perhaps something more as he is acquainted with M<sup>r</sup> Jackson and M<sup>r</sup> Whateley. However, every thing is now quiet with regard to the mobbs; and by a happy union of the two parties in the Grenville family 'tis generally supposed the administration will be wholly in their hands. The minority was quite out of the question in the late disputes, which seems to have been a tryal of strength between the favourite and the ministry, in which the latter have had the advantage, but whether the victory is complete,—in other words, whether the favourite does not yet hold his influence behind the curtain is a doubt with many, and what time only can determine.

M<sup>r</sup> Cockle's memorial was absolutely rejected by the Commissioners of the Customs, and his dismission confirmed, which must needs be no small mortification to the composers of that laboured performance. What other use



has been made of it I have not yet heard. I find that Mr Jackson is appointed agent for the Province of Massachusetts Bay, and 'tis said this was done by the influence of Govern'r B—d, and if so I conclude 'tis with a view of engaging that gentleman in his interest, but as I have not yet seen Mr Jackson, I cannot tell what grounds there may be for such a surmise; in the meantime you may perhaps pick out something from Mr Ingersoll on the subject as they two were very intimate.

I have been to see Mr Bolland, and I dare say he has now no doubt but that you have been his friend. He designs very soon for Boston.

The Commiss<sup>rs</sup> of the Customs have reported in my favour to the Treasury; the substance of which is that my salary shall be paid out of the American fund, and encreased to £60 ™ annum, but nothing further has been done about it, so I am yet in suspence as to the event.

My complim<sup>ts</sup> to your brother, I am, S<sup>r</sup>

Yo<sup>r</sup> most obed<sup>t</sup> humble serv<sup>t</sup>.

JOS<sup>u</sup> HARRISON.

JNO TEMPLE, ESQ<sup>R</sup>.

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THOMAS WHATELY TO JOHN TEMPLE.

TREASURY CHAMBERS, 12 June, 1765.

DEAR SIR,—I take the opportunity of Ingersol's return to America to send you the pamphlets I promised you, the copy of my last of 10<sup>th</sup> & 13<sup>th</sup> May, & this letter. He has spent some months amongst us, I am afraid with less satisfaction than he enjoyed in his former visit, as he did not find the objects he has met with so striking or the entertainments of England so amusing as they seemed on his first acquaintance with them, & I doubt whether he will ever allow them to allure him over again. It has, however, given me great pleasure, that if his voyage has not been so agreeable, it has been more advantageous, &

has been the means of fixing him in the employment of distributor of stamps, for which he has qualified himself by his enquiries here with great assiduity, & I hope his thorough knowledge of the business will prevent many doubts & difficulties in the execution of it.

I find your people still alarm'd with the idea of their country being drain'd of all their money by the new taxes. The fact is that no more will be remitted from thence hither than will just be sufficient to pay the expence of office here, which will be very inconsiderable. Notwithstanding the aid of all these duties a very considerable remittance must be still made to America for the support of the military establishment there. For my own part I should suppose two thirds of what has been lately must continue still to be sent from England, & that is more than ever was sent in any former peace. The Colonies certainly will not furnish one third of the present expence, as far as I am able to calculate the probable produce of these taxes, & as the ballance will be thus greatly in their favour, the remittance must be thither. It will be contrived nearly in this manner. The Paymaster General wanting to remit money for subsistence, &c<sup>a</sup>, will apply to the Commissioners of Customs or Stamps for bills or orders upon their officers in the Colonies. These officers will in consequence thereof pay over the money in their hands to the deputy paymasters, & whatever sums shall be thus advanced in America will be paid here by the Paymaster General to the Commissioners of Customs or Stamps, who will pay the same into the Exchequer as American revenue in conformity to the act. Thus the whole effect of these laws with respect to money will be no more than this, that supposing the expence of the military establishment in the Colonies should be £300,000  $\text{\AA}$  ann. (which is much less than it really is) and supposing the American taxes should be £100,000 (which is more than I expect from them), then instead of £300,000 now

remit, Great Britain will remit but £200,000; but America will remit none hither. On the contrary she will annually receive still £200,000, & none of the money now there or that hereafter may be sent thither will be brought hither on account of these taxes, except, as I mentioned before, the office expences, which will be very trifling.

When I mention £100,000 as the produce, I take that sum only as an instance, but do not pretend to guess that it will be near the real one. Yet I believe that we shall not receive more from all the taxes, & I do not hear that any new taxes are in contemplation. To establish the right of Parliament to impose these, & to produce an American revenue, is a great & necessary measure. To explain & to enforce these laws may be y<sup>e</sup> business of some future sessions, but I do not expect to see more taxes for the purposes of revenue, at least for some time. As regulations of trade, perhaps, duties may now & then be imposed, but those must be small, occasional, & advantageous to the country that pays them.

During the last sessions we heard that the fees of the Custom House officers in the Colonies were in a very unsettled state, the merchants complaining in some places of exaction, & in others refusing to pay y<sup>e</sup> usual fees, & y<sup>e</sup> newly appointed officers frequently denied all fees whatsoever; a temporary provision was made in the American act against this evil, but I think it very probable that more may be done next sessions in order to settle the fees upon a certain & permanent foundation. If there should, I shall be very glad of all the information you can give me on the subject. Perhaps the Com<sup>rs</sup> of the Customs may during the course of the summer make some official enquiries of you, but there are many circumstances which may be of importance & yet may not come within the compass of such an enquiry, & for these I should be obliged to you. In what manner do the fees differ in

different Colonies, & how have they been settled? Have they been lately alter'd? On what articles are they paid? What are the complaints either of the merchants or of the officers, & in what manner do you think they can best be adjusted? If the subject should be brought on next sessions I should be glad to be master of it, & I hope you will pardon the trouble which my curiosity gives you.

As you see so many different people in several provinces you can judge better perhaps than any one of their temper with respect to the new taxes. I hope that now they have had time to reflect & opportunities to examine the right of Parliament they do not think of the proceedings here in the same light as they were at first represented to them. I should be glad to know their present sentiments, & on what points they suppose they have reason to complain. With us there is not a difference of opinion. The House of Commons would not receive any petitions, however expressed, that implied a doubt of the right of Parliament to lay taxes. To receive the petitions would have been an acknowledgment that y<sup>e</sup> right was questionable, which we cannot admit. You will see that all our publications are on the same side. Have they any effect amongst you? or do your people still dispute the legislative authority?

I have said nothing to Ingersal of what I have wrote to you concerning the Surveyorship of the Woods. I have not mention'd it to any body, & you will excuse my desiring you to observe the same caution. I am

Ever & sincerely yours;

T. WHATELY.

To JOHN TEMPLE, Esq<sup>R</sup>.

JOSEPH HARRISON TO JOHN TEMPLE.

LONDON, July 12<sup>th</sup>, 1765.

SIR,— I duly received yours of the 17<sup>th</sup> May, and the next morning went down to the Custom House to see Mr Hulton, who had just then received your letters and papers, also Mr Robinson's relating to the affair at Taunton, &c., likewise Gov<sup>r</sup> Bernard's representation of what passed between you and him and of his and the Council's proceedings on the occasion, which last seems to be drawn up with a great deal of acrimony and bitterness, and contains an accusation against you of having treated the Governor with contempt and indecency; the whole, however, I think amounts to little more than this,— that you told the Governor that the proclamation (I think it was) was no better than an old tobacco paper, and that you refused to attend when requested by the Governor and Council.\* I have read over all the letters and papers on both sides relating to the affair, and upon the whole it appears plain to me that the Governor (considered as an officer of the Crown) has been much to blame, and seems to have been more solicitous how to save appearances in the exercise of his authority than by a proper exertion of it to render any effectual service to the Crown. And I dare say it will appear so to those who are finally to judge of the affair, the nature of which I believe is such that it must

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\* Among the Temple Papers is a manuscript volume marked on the cover, "Governor Bernard's Conduct Relating to the Riot & Robbery at Taunton, together with the Resolves of Council. Copied from the Original Letters and Papers now in the Possession of the Surveyor General, 1765." The dispute with the Governor at this time grew out of an attempt of the owner and master of the sloop "Polly" to smuggle a quantity of molasses on shore, in April, 1765, in Swansey River. A narrative of the occurrences having been sent to the Surveyor General by the Collector of Newport and the captain of the revenue vessel, Mr. Temple applied to Governor Bernard for assistance, who called a Council and the next day issued a proclamation, offering a reward for the discovery of the persons engaged "in these riotous and unlawful proceedings." (See the Boston Evening-Post, April 15, 1765.) This delay gave offence to Temple, and a hot dispute occurred between him and the Governor, in which the former compared the proclamation and orders sent to the County of Bristol to "tobacco paper." Subsequent occurrences added fuel to the fire; and a full account of the affair was sent over to England.—Eds.

be laid before the Privy Council ; and if so there is no likelyhood of any thing being done about it this long time, they having now more important business on their hands. For we have had an entire change in the ministry this last week. The Marquis of Rockingham is now at the head of the Treasury, and the Duke of Grafton and General Conway Secretarys of State. I shall add at the bottom a list of such other alterations as have been declared at Court. This news, I dare say, will surprize you, as I fancy M<sup>r</sup> Ingersoll would assure you with air of some confidence that M<sup>r</sup> Grenville at least was safe, and indeed at the time he sailed there seemed to be that appearance, but it seems the King's aversion to him and some others was insuperable, and they say that all these changes have been with M<sup>r</sup> Pitt's approbation.

I came to town but 3 days ago, having been down the river at Woolwich near 3 weeks on a sailing expedition along with S<sup>r</sup> Geo. Savile, who at present seems to stand very high in the opinion of the publick, and is by many reckoned one of the first characters in the kingdom. He was much solicited to take a share in the present administration, and might have chosen his department ; but as he will never enter into any engagements that may [have ?] the least tendency to influence the freedom of his vote in Parliament, he excused himself from accepting any office on acco<sup>t</sup> of the puny state of his health. However, he will have great influence.

How will this change in the ministry affect Gov<sup>r</sup> B——d's interest ? and whether or no will he stand on firmer ground than before ? M<sup>r</sup> Mellish is Secretary to the Treasury, and I shall take an opportunity of relating the whole affair to him, as I have already to S<sup>r</sup> Geo. Savile. A vast many warrants were sent down to the Custom House yesterday from the Treasury to fill up all the vacant offices, but no notice has yet been taken of my memorial about my salary. However, I now make

no doubt but it will be settled to satisfaction. But I am still at a loss how to proceed for obtaining payment of the four years salary now due to me. If you would be so kind as to send me a proper certificate by the first opportunity of their being 4 years salary due to me last Lady-Day, and that I have not received any part of it, I may perhaps be able to procure an order for you to grant an impress on some other port where there are fines & forfeitures remaining undisposed of. Or if you know of any better [way?] of obtaining it should be glad you would inform me of it. M<sup>r</sup> Powell says the salary should have been charged as it became due, in the quarterly accounts. I remember I once mentioned that to you, and you said it could only be charged properly when an account should be rendered of a seizure actually made at New Haven. But if you now think it should be charged in the quarterly accounts, I shall be much obliged to you if you would give Col. Whiting proper directions for charging it in the next quarter's accounts he sends home. The salary is £50 ster<sup>g</sup> ™ ann.; and I was sworn into my office the 28<sup>th</sup> March, 1761, so reckon it from Lady-Day. If any vacancy should happen in your district that may be of more value than what I have at New Haven, I shall be greatly obliged to you if you would favour me with the earliest intelligence of it; for I think as matters are circumstanced I may now stand a very good chance for something better than what I now have.

My complim<sup>ts</sup> to your brother, I am

Yo<sup>r</sup> most obed. humble serv<sup>t</sup>.

Jos<sup>u</sup> HARRISON.

P. S. I have this moment heard that your brother is to be Surveyor of the Woods in the room of Govern<sup>r</sup> Wentworth. I hope it is so, and shall do all I can to promote it.

## List of the New Ministry.

Marquis of Rockingham.	First Lord of the Treasury.
M <sup>r</sup> Dowdeswell	Chancellor of the Exchequer.
Lord John Cavendish	{ Lords of the Treasury.
Honble. Thomas Townsend	
George Onslow, Esq <sup>r</sup>	
M <sup>r</sup> Mellish	{ Secretaries to the Treasury.
M <sup>r</sup> Lowndes	
Duke of Grafton	{ Secretaries of State.
General Conway	
Earl of Winchilsea	
Duke of Portland	President of the Council.
Lord Villers	Lord Chamberlain.
Earl of Scarborough	Vice Chamberlain.
Earl of Ashburnham	Cofferer.
Earl of Besborough	{ Postmasters.
Lord Grantham	
Henry Potts, Secretary	{ Post Office.
Sam <sup>l</sup> Potts, Comptroller	

THOMAS WHATELY TO JOHN TEMPLE.

PARLIAMENT STREET, 12<sup>th</sup> July, [1765].

DEAR SIR, — I wrote to you some time ago to ask whether the office of Surveyor of the Woods would be agreeable to your brother, but as events have turn'd out here, it is now no longer in M<sup>r</sup> Grenville's power to give it to him. I can only assure you that he intended it if your brother had liked it, & may probably soon have it again in his power to serve him. At present he is a

private man, being dismiss'd from his Majesty's service, & a total change of the Ministry having taken place. The Newcastle party are now in office. How long they will continue so is another question, & we are not at all disengaged. I shall hope to hear from you as usual; but I am no longer in office & you will therefore direct to me in Parliament Street, where I live & where they will always know where to find me. In great haste.

Yours entirely.

T. WHATELY.

I have sent to the Custom House the papers I received with your favour of 9<sup>th</sup> May. It gives me great pleasure to hear that the Colonists begin to see the new regulations in a proper light. I shall be glad to know from time to time how they go on, & by what means their conviction is brought about, & what progress they make in it.

Yours again.

T. W.

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JOSEPH HARRISON TO JOHN TEMPLE.

(A Copy.)

LONDON, July 15<sup>th</sup>, 1765.

D<sup>r</sup> S<sup>r</sup>, — I wrote you the 12<sup>th</sup> inst<sup>t</sup>, which was forwarded by the New York mail last Saturday; and I now write this in hopes to save the pacquet at Falmouth, just to let you know that I was this day at the Custom House when a letter was received from the Collector and Comptroller at New York to inform the Commiss<sup>rs</sup> that you had appointed your brother-in-law M<sup>r</sup> Fenton a Deputy Collector at Albany, and that you had order'd M<sup>r</sup> Moore, the Comptroller, up thither to assist in the execution of the office. M<sup>r</sup> Hulton informs me that the Commiss<sup>rs</sup> express a surprize that you should take this step without giving them any notice of your intention or writing to them at all about it, nothing from you as yet

having come to hand on the occasion. I told M<sup>r</sup> Hulton that I would venture to say you had sufficient reason for what you had done, and hoped that no judgement would be formed about it till your letters came to hand, which I made no doubt would clear up the affair to satisfaction. However, as I could perceive from what M<sup>r</sup> Hulton said, that the countenance of the Commiss<sup>rs</sup> was not favourable to the appointment, I thought it my duty to give you this hint as early as possible that, in case there has been a miscarriage of letters, you may lose no time in sending over your state of the affair. I am

Yo<sup>r</sup> most obed<sup>t</sup> humble serv<sup>t</sup>.

Jos<sup>n</sup> HARRISON.

LONDON, Aug<sup>t</sup> 9<sup>th</sup>, 1765.

D<sup>r</sup> S<sup>r</sup>, — On the other side is a copy of what I wrote you 3 days after the mail was sent away, in hopes it would be in time at Falmouth to go by that pacquet. And have now further to add on the same subject, that I was yesterday at the Custom House, and no letters from you were then come to hand that made any mention of the Albany affair, which I am very sorry for, as you will by this pacquet receive a letter from the Commiss<sup>rs</sup> wherein they express their disapprobation of the appointment; and with regard to the seizure made by M<sup>r</sup> Fenton their solicitor has given his opinion that even in case of a vessel's going from one colony to another without a clearance, the goods only, and not the vessel, are liable to seizure. This affair makes a deal of noise at the New York Coffee House, and has been inserted in all the publick papers as an article of news from Cork in the following words viz.: "Cork, July 25. John Fenton, Esq<sup>r</sup>, of this city is appointed Collector of his Majesty's duties at Albany in North America." I wish with all my soul that your account of this matter had got to hand so that the Commiss<sup>rs</sup> at least might have been satisfyd of the

propriety of this proceeding, as it is grossly misrepresented and may be made a handle of by Mr Bernard's friends. Your dispute with that gentlem<sup>n</sup> has lately been resumed at the Treasury, from whence sundry papers that had been transmitted to the Secretary of State were sent to the Commiss<sup>rs</sup> of the Customs, with a letter from Mr Lowndes directing a state of the case to be drawn up and reported to their Lordships, which hath accordingly been done, and will be presented to-morrow. It consists of 6 sheets of paper and is, I think, very impartially executed. It begins with a narrative of Cockle's dismission, with extracts from your letters accusing Mr Bernard with countenancing and abetting him even after full proof of his guilt in the affair of the bribe, &c. This, I think, judiciously prefaces the account that is afterwards given of the transactions relating to the seizure at Swansey, which gave rise to Mr Bernard's complaint against you. This is stated in a clear light, and the whole concluded in the following manner. I cannot recollect the very words, but this is the substance, viz<sup>t</sup>, — “Wee have frequently had occasion to bear testimony in favour of the Surveyor General as a vigilant, spirited officer. And as the restraints which the policy of the mother country has thought proper to lay the colonies under by the Act of Navigation and other Laws of Trade renders the people there extreamly averse and disaffected to those who have the execution of them, wee think that the principal officers ought to be supported against all such attacks as have a tendency to lessen their influence and importance.” Mr Hulton very readily favoured me w<sup>th</sup> a perusal of this report as soon as it was finished, and at the same time desired me (with his compliments) to let you know that you would now have heard from him, but that his critical scituation respecting this affair would render it improper for him to have wrote to you on the subject, as he is *ex officio* supposed to be indifferent to both parties. This

report, I conclude, will be finally laid before the Council, and I think from what appears on the face of things at present you need be under no apprehensions but that the decision will be in your favour, and in the mean time I shall continue to advise you from time to time as any thing new occurs on the occasion.

The Lords of the Treasury have made a return to the report of my memorial, and have sent down a warrant for putting my salary on the Plantation Establishment, with an addition of £10 a year. And I am now going to try if I can procure an order for payment of my arrears. You will see by the papers what alterations have been made in the several ministerial departments since I wrote you last. M<sup>r</sup> York has accepted of the Attorney General's place ; this seems to look as tho' the present administration would stand, tho' some think it will not continue long. The papers are full of scurrilities and low invective by the scribblers of both parties. But not one well wrote pamphlet has yet appeared on either side or I would have sent it to you. No alterations have yet taken place at the Board of Customs, but 'tis said there will be one or two removes there also.

If any thing may fall vacant within your district that is better than New Haven I hope you will be kind enought to favour me with the earliest intelligence of it; for if I should fail of getting anything this favourable opportunity I must never expect to see such another.

My compliments to yo<sup>r</sup> brother. I am

Yo<sup>r</sup> most obed<sup>t</sup> humble serv<sup>t</sup>.

Jos<sup>th</sup> HARRISON.

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JOSEPH HARRISON TO JOHN TEMPLE.

LONDON, October 11<sup>th</sup>, 1765.

D<sup>r</sup> S<sup>r</sup>, — I have wrote to you twice since I received your last letter, which was dated the 17<sup>th</sup> May, and I

find there has been no despatches from you at the Custom House since that time, which they can scarce tell how to account for there, especially as they have yet had no account from you of that affair relating to the fixing an officer at Albany, &c., of which I wrote you largely in my last.

I have lately been several times with the Marquis of Rockingham and the Chancellor of the Exchequer (Mr Dowdeswell) with whom I dined one day last week, and staid with him till past nine at night, and as we were alone I had a good opportunity of talking over your affair with Mr Bernard, in which I endeavoured to do you that justice which I think you deserve, and I hope I may be able to render you some service in that matter. However, I find Mr Bernard is strongly supported, and has several friends at the Board of Trade, to ballance which the Board of Customs are entirely on your side. And I am sorry there should have been such a long interval in your correspondence with them, for fear they may take it amiss.

Wee have lately had strange accounts from Boston of the riots and disorders there and at Rhode Island. Surely the people are distracted and infatuated. The ministry would certainly have relieved them from those grievances they have so much complained of had they behaved with tollerable decency. But now they must expect no favour. What measures will be taken is not determined. I shall know when any resolutions are formed; and shall give you the earliest advice.

I must now give you some account of a late occurrence relating to myself. About a fortnight ago the Marquis of Rockingham sent for me, and on my waiting on him told me that he had long waited for an opportunity to serve me, and that he now had something to propose which he hoped would be agreeable to me. He then told me that Mr Hanbury (the great Virginia merchant)

had been to inform him that he had received some letters from Virginia advising of the death of Mr Randolph, Surveyor General of the Customs residing there, which office his Lordship was pleased to say he had reserved for me, tho' no less than three very powerfull applications had already been made to him for it. The next day I attended at the Treasury where my appointment to the office of Surveyor General of his Majesty's Customs for the Western Middle District of America was entered on the books, and a warrant made out & sign'd by the Marquis of Rockingham and all the other Lords then present. But that very evening the same Mr Hanbury received another letter from Virginia dated five days after the former to let him know that what had been wrote before concerning Mr Randolph's death was a mistake, he being then in a fair way of recovery. And thus ended my Surveyor Generalship. However, to console me for the disappointment Lord Rockingham has assured me that I may depend on the first good thing that becomes vacant.

My complim<sup>ts</sup> to your brother & all friends at Boston.  
I am

Yo<sup>r</sup> most obliged humble serv.

Jos<sup>a</sup> HARRISON.

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THOMAS WHATELY TO JOHN TEMPLE.

[October 11, 1765.]

DEAR SIR,—I should be much obliged to you if you will be so good as to deliver the enclosed to your brother whose particular direction I do not know. I have received your favour of 24<sup>th</sup> July. I am very sorry for the disappointment of the reasonable expectations he had that he should be appointed to a place perfectly agreeable to him; but times may mend & let us hope for y<sup>e</sup> best.

I have not yet heard y<sup>e</sup> particulars of the disturbances in your Colony,\* but our printed accounts make them very great, & I am sure a little reflexion would convince the people that there is not the least foundation for their discontent. I do not find that y<sup>e</sup> tax itself is complain'd of, but y<sup>e</sup> opposition to it arises from a dispute of the right. Every principle of our Constitution & the uninterrupted practise of our legislature is against them. Our politics here are at a stand, nothing particularly doing, but all waiting for y<sup>e</sup> winter. It will give you pleasure to be assured that M<sup>r</sup> Grenville is entirely reconciled to every part of his family, & the unhappy breach which their party differences made is compleatly heal'd. I have not time for more. I am

Most sincerely yours.

T. W.

Tell me something of Ingersal,† & how his office sits upon him.

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JOSEPH HARRISON TO JOHN TEMPLE.

ROCKINGHAM HOUSE, GROSVENOR SQUARE, April 15<sup>th</sup>, 1766.

DEAR SIR,—The receipt of your obliging letter of Jan<sup>ry</sup> 19<sup>th</sup> gives me great pleasure, and is the only one that has come to hand since that formerly mentioned, dated May 17<sup>th</sup>, so that there must have been some very extraordinary miscarriage.

Ever since the beginning of this session of Parliament I have liv'd at the Marquis of Rockingham's, where I am at present employ'd as an assistant to his private secretary, M<sup>r</sup> Burke (author of the book on the Origin of our Ideas of the Sublime and Beautifull), and my intimate acquaintance with American affairs has at this time enabled me to be particularly usefull, so that I have the

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\* The Stamp Act riots in Boston, in August, 1765. — Eds.

† See note, *ante*, p. 19. — Eds.

satisfaction of enjoying some share of his Lordship's favour and confidence.

I have taken care on all occasions to do you all the good offices in my power with the Marquis of Rockingham and the Chancellor of the Exchequer, and I may venture to assure you that you stand extreamly well with them both. Gov<sup>r</sup> B——d's chief friend (Gov<sup>r</sup> P——l) has no influence here, and I am very certain in the dispute between you and Mr B——d, the weight of favour is in your scale. I am so excessively hurried that I have scarce any time to myself, or I should now have wrote you a longer letter; but what I have mentioned above I hope will make you easy in that matter, and when I have any leisure shall write you again more particularly.

As it does not seem likely that I shall be permitted to return soon to New England, Lord Rockingham has indulged me with a permission to resign my office at New Haven to my brother; \* and a deputation for that purpose will be sent over by the New York pacquet. On this occasion I must beg leave to recommend my brother to your favour and notice, being perfectly well assured that you will find him not only a very honest but a very accomplished officer, and one that will keep up the dignity of his station, and has tallents and abilities that will render him very important and popular in that country, particularly his knowledge in agriculture, ship-building & architecture, with a general acquaintance on all affairs of trade & commerce.

I am just now called away, so that for fear I should be detained so long as to lose the opportunity of this conveyance I must conclude with my compliments to Mr Inman & your brother. I am, dr S<sup>r</sup>,

Yo<sup>r</sup> most obliged and most humble serv<sup>t</sup>.

JOS<sup>H</sup> HARRISON.

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\* In a list of the "Establishment of the Northern District, 1 Nov<sup>r</sup>, 1766," in Temple's Letter-Book, Peter Harrison is named as Collector at New Haven. — EDS.

JOSEPH HARRISON TO JOHN TEMPLE.

ROCKINGHAM HOUSE, GROSVENOR SQUARE, 30<sup>th</sup> May, 1766.

DEAR SIR,— The last letter I wrote you was dated the 14<sup>th</sup> of last month, which was delivered to the care of one Mr Green, a passenger in a ship that sailed about that time for Boston.

My present scituuation admits of very little leisure, especially during the session of Parliament, but I would not omit this opportunity by Mr Nevin of letting you hear from me, tho' I have little more to say than just to repeat that nothing would give me greater pleasure than to have it in my power to render you any service.

Many great and important alterations have been made in the Acts of Trade respecting America this present session of Parliament, the particulars of which Mr Nevin will be able to give you a circumstantial account. The bills have passed in the House of Commons, and now lye before the Lords, where there is no doubt but they will be assented to likewise, as in the last division in that House the minority was no more than 16 to 57.

Some new regulations in the Custom Houses in America are intended which I apprehend will be chiefly in the appointment of a set of under officers such as landwaiters, tidesmen & boatmen in every port, to be on the establishment, and appointed by the Treasury with suitable salaries.

I'm afraid I shall fall under some blame on account of Mr Hubbard's being appointed to clear out vessels at Stamford, which I find the Commissioners know nothing of, nor that any such officer is appointed in the port of New Haven. This I gathered from a private conversation with Mr Hooper, and it was with some difficulty that I avoided any explanation on the subject. However, I thought it proper to mention this to you as a hint, which you may make a proper use of.

M<sup>r</sup> Hubbard never accounted with me for any part of the fees he received for clearing out vessels at Stamford, which amounts to a very considerable part of the emoluments of the collectorship; in 1763 there were 107 coasters clear'd out at New Haven, and 64 at Stamford, which at 2 dollars each amounts to 128 dollars. As I doubt not but you will order M<sup>r</sup> Hubbard to account to me for what fees he has received, I shall rest the settlement of that matter entirely with you. And in the mean time I would advise that you would recall any powers M<sup>r</sup> Hubbard may have from you respecting that matter, and leave it entirely to the present Collector. As I mentioned before, the Commissioners of the Customs know nothing of this appointment, and it has lately been intimated to me that M<sup>r</sup> Hale and me will shortly be called upon to give an account of all the officers employ'd, their several departments, and manner of doing business at our respective ports.

My compliments to your brother & M<sup>r</sup> Inman. I am,  
d<sup>r</sup> S<sup>r</sup>,

Yo<sup>r</sup> most obliged & most humble serv<sup>t</sup>.

Jos<sup>u</sup> HARRISON.

THE HONBLE. JOHN TEMPLE, Esq.

#### THOMAS WHATELY TO JOHN TEMPLE.

14<sup>th</sup> Aug<sup>st</sup>, 1766.

DEAR SIR,—I have the pleasure of your letter of 1<sup>st</sup> July, which your brother was so good as to deliver me. M<sup>r</sup> Howard of Rhode Island \* did me the favour to intro-

\* Martin Howard. He had made himself obnoxious to the people of Newport, R. I., where he lived, by upholding the authority of Parliament over the Colonies. In August, 1765, the mob carted through the streets effigies of Augustus Johnston, the stamp-master, Howard, and Dr. Thomas Moffatt. "Each of these images had a halter around its neck, and all three were carried to the gallows, which had been erected near the town house, where they were hung up to view till near night." The next day the mob went to Howard's house, "where they destroyed or plundered every thing it contained, and de-

duce him to me soon after his arrival. I have been since out of town, & have therefore seen him but once, & that for a short time; but he has promised me his company in the country to dinner to-day, & I shall be happy to cultivate my acquaintance with a gentleman whose character I have heard so much of from so many quarters. M<sup>r</sup> Grenville is out of town for the summer; but I shall take the first opportunity to introduce your brother to him, & I am confident he will be very glad to see his relation. At present I can be of no service to him with any Ministers or any office; but I took the liberty of hinting to him the propriety of observing great moderation with respect to Governor Bernard, who is at present so much a favourite here for his conduct in the late disturbances that no man recommends himself by appearing to be his enemy; & as your connections here are with a family now in opposition, I think there is the more occasion for caution. I wish for your sake that the animosity between you & Governor Bernard were not so great as it is; & if it cannot be reconciled, at least I hope that it will appear publickly as little as possible. You will pardon me for writing so freely, but I should betray your interests if I did not acquaint you with the present situation of affairs here so far as I think you concern'd in them. As to our political transactions you will have heard before this can reach you of a change in the administration, & that the late popular M<sup>r</sup> Pitt is now the most unpopular peer in England. The present arrangement is no more formed for permanency than the last. Still the abilities of the kingdom (unless they can be supposed to center in one man) are excluded in a great measure from y<sup>e</sup> government

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molished the doors, windows, &c., leaving nothing but the bare walls standing." Howard and Moffatt then fled to England. Not long afterward Howard was appointed Chief Justice of North Carolina. His judicial functions ceased in 1774, but he remained in North Carolina some time longer, and then went to Rhode Island, and in 1778 to England, where he died in December, 1781. See R. I. Col. Recs., vol. vi. p. 514, note; Sabine's American Loyalists, vol. i. pp. 546, 547.—EDS.

of it; & that is not a state of things which can continue. Your relations have nothing to say to it, & I think so highly of them that I believe their services necessary to the publick, & I hope the publick will soon avail itself of them. You decline entering into the subject of the late disturbances in America, & I am not disposed to dwell upon them. They are, as I understand, quieted for the present. I was not one of those who thought the repeal of the Stamp Act the proper way to quell them; nor have I approved of any of the measures of y<sup>e</sup> Ministry during the last year with respect to the Colonies. My opinions on those points were settled long ago, & I have not yet learn'd the trick of the times in changing opinions. I remember you once mention'd to me a pamphlet call'd *The Regulations lately made in y<sup>e</sup> Colonies & the Taxes imposed upon them Consider'd.* I was guilty of writing that same pamphlet, & you see I abide by my principles by my acknowledging that work which I never own'd till lately. I have been very happy this winter in the acquaintance of M<sup>r</sup> Howard, another wicked author, whom I am sorry to lose so soon; but he is setting out for North Carolina, where he is appointed Chief Justice, which appointment I look upon as the best & last act of the late administration. D<sup>r</sup> Moffatt, too, his fellow sufferer, has got an office in Connecticut.\* He is so good as to undertake to convey this to you. If I have time, I shall wish to write by the same conveyance to Ingersoll, who, I hear, has suffer'd very much & very undeservedly; but I can send him only condolences, & they are hardly worth the carriage. I shall go down to M<sup>r</sup> Grenville in a few days, & will mention to him what you desire. I shall be glad to hear from

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\* Dr. Thomas Moffatt was a Scotch physician, who came to America about 1746, and settled in Rhode Island. Having incurred the ill-will of his fellow-townspeople and suffered heavy pecuniary losses, he fled to England in 1765. He was rewarded by the appointment of Comptroller of the Customs at New London, Conn. On the breaking out of the war, he again went to England in a British man-of-war. See Sabine's American Loyalists, vol. ii. p. 85.—EDS.

you whenever you have proper opportunities; but I know y<sup>e</sup> difficulties you have all been under, & I have abstain'd from writing to my friends in America for fear of involving them; but I suppose the correspondence is more open than it was, & that for the future I may hope to have now & then a letter, in which, if it is safe to write it, I shall be glad to read any account of y<sup>e</sup> situation of affairs in your distant part of the world. I am, with great regard,

Your most obed<sup>t</sup> & faithful serv<sup>t</sup>.

THOMAS WHATELY.

NON SUCH PARK, 14<sup>th</sup> Aug<sup>st</sup>, 1766.

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THOMAS WHATELY TO JOHN TEMPLE.

DEAR SIR,— Your brother has given me leave to trouble you with the enclosed letter to our old acquaintance M<sup>r</sup> Ingersol, which I should be much obliged to you if you could find means to convey to him by a *private hand*; & I beg this favour of you also to send the other letter which I have taken the liberty to put under your cover for M<sup>r</sup> Oliver. Your brother answers for your forgiving me for thus trespassing on your goodness, & he has taught me to believe implicitly whatever he says. He is, indeed, a most respectable man, & I am much obliged to you for giving me so valuable an accession to the number of my American friends. We are near neighbours, living in the same street, & very often see one another. He likes us very well, but I do not believe he will be very sorry to return to his home & his family. As you have so good a correspondent here it will not only be needless, but almost impertinent, in me to write you the news of the place. I dare to say he gives it you very faithfully; but as he may not yet have learn'd how little our current reports are to be depended on, & may have there-

fore given credit to some which I, who am more used to them, do not build my faith upon, I will with his leave endeavour to prevent any mistakes, & confine myself to tell you what is not, tho' you may hear that it is, true. I have found several of your Americans alarmed with a notion that fifteen regiments are directly going from hence to take possession of the great towns. The fact is that five regiments will be sent to relieve five now in y<sup>e</sup> Colonies, who are to be brought home, according to the settled rotation which has been observed ever since the last peace, except in the last year, which omission makes it the more necessary now. Another idea is, that a Board of Customs is to be establish'd in America ; & if there were I should sincerely wish that you were one of the Commissioners, as it is said you would be ; but I do not hear of any step taken towards such an establishment. Taxes too are talk'd of in America, but I do not find any thing of that kind in any forwardness, except perhaps an alteration in the tea duty, which, it is said, will be lower'd & collected in a different manner, in order to put a total stop to smuggling in that commodity. The stability of the present Ministry is also asserted as confidently as the immediate dissolution of it. Neither is true. That things cannot continue in their present state is apparent. Lord Chatham, the Prime Minister, has been out of town these three months. He is extreamly unpopular, & the other Ministers are many of them much disgusted at him & divided among themselves ; but what, when, or how y<sup>e</sup> change will be nobody can say. Am I not an ill-natured politician who leave you nothing for speculation ? I will therefore give you one fact which you may depend upon entirely. That the tide is entirely turn'd here with respect to America, that the distinction between external & internal taxes is totally exploded, that every doubt upon the right is ridiculed & censured whenever it is mention'd, & that the re-estab-

lishment of the civil authority which has been of late much weakened in the Colonies is now ye prevailing object amongst men of all denominations. This you may depend upon is the general disposition of people here, & I dare say you will soon find all accounts from hence agree with mine. Mr Howard of Rhode Island has written to me from South Carolina, & desired me to send my answer by your brother, to meet him in the spring at Boston. As I hope & believe he will not leave us so soon, I shall take the liberty to trouble you with a letter for Mr Howard, & will be obliged to you if he arrives before my letter, that you will tell him my intentions. Adieu, my dear Sir, & believe me

Ever & truly yours;

T. WHATELY.

LONDON, 25<sup>th</sup> Feby, 1767.

JOHN TEMPLE, Esq.

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THOMAS WHATELY TO JOHN TEMPLE.

LONDON, 2<sup>d</sup> May, 1767.

DEAR SIR,—I again trouble you by your brother's permission with a packet of letters which I am ashamed to send you; but he encourages me to go on, & I shall under such encouragement be tempted now & then to take the same liberty until you forbid me. This time, indeed, I am under a kind of necessity to enclose my letters to you, as I really do not know how to direct to Mr Howard, not even to what province, as he proposed to be somewhere in your neighbourhood during part of the summer, but I am not sure whether he carries his intention into execution, & of Dr Moffatt I only know that he is in the Colony of Connecticut, but in what town he resides I cannot remember. You will be able to find them both, & I should

be much obliged to you if you will convey my letters to them & to M<sup>r</sup> Ingersol by *private hands*, when you have opportunities. I am happy at the same time to accompany this trouble with my sincere congratulations on the alliance you have lately made, & which I find to be perfectly agreeable to your family thro' all its branches here.\* I shall soon too, I hope, have it my power to follow these with other compliments upon your appointment to an office, of which in my last, of 24<sup>th</sup> Feby, I doubted whether the establishment would this year take place; but I understand now that a Board of Customs will<sup>'</sup> be fix'd at Boston, to consist of five Commissioners, two of whom are to be the Surveyors General for the northern districts. I hope the situation will be more agreeable to you than your present employment, but in either you will have much to do, as the measure of taxing America is now so generally & so strongly supported here, & the one fund which the Stamp Act was intended to create being destroy'd, it must be supplied by a multiplicity of others, most of which will be impost duties. Many are at present under consideration, such as duties upon wine, oil, fruit, raisins & currants, allowing the carriage of them at the same time to be direct from the places of their growth to America. A salt tax is also talk'd of, with a drawback upon such as shall be used in the fisheries. A tonnage upon shipping is another; but all of these, I suppose, will not take place at once, & which of them will be laid this year is not yet absolutely settled, but will be in a very few days, when the plan of administration for y<sup>e</sup> Colonies will be laid before Parliament. Nothing has yet been done in either House; but in the House of Lords a motion was made for an address to submit to his Majesty's consideration the proper proceeding to be held in regard to the Act of Indemnity annexed to the Act of

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\* John Temple was married to Elizabeth, only daughter of James Bowdoin, afterward Governor of Massachusetts, in Boston, Jan. 20, 1767. — Eds.

Compensation by the Assembly of Massachusetts Bay.\* I can hardly say who spoke of it with the most indignation, & none attempted to vindicate it ; but the Ministers opposed y<sup>e</sup> mode of taking notice of it in an address, because they said that it seem'd to reflect a suspicion on the King's servants, as if they could be wanting in their duty, which they understood to be to advise the Crown to disallow it. The answer to this objection was that the inexpediency of an Act of Assembly was alone a sufficient reason for disallowing it, but the illegality of this act required more than a meer reversal. That it was an encroachment on the prerogative, an infringement of the Constitution, an usurpation of powers which neither House of Parliament pretended to exercise, for that the power of pardon was vested solely in the Crown ; the Lords nor the Commons never attempted to indennify without the concurrence of the Crown, & that concurrence could not be had to this Act of Assembly, for the Governor was only a corporation magistrate, & not the King's representative in the Province of Massachusetts Bay. That in Virginia, after Bacon's Rebellion, the Assembly there having passed such an Act of Indemnity, the Privy Council declared it null, & in the stead of it sent over an act ready drawn up, & under the Great Seal, with orders to the Assembly to pass it, & it is now in their Statute Book. That this should be treated in the same

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\* By an act of the General Court, passed Dec. 6, 1766, certain sums were granted to Thomas Hutchinson, Andrew Oliver, and others, to be paid out of the public treasury, in full compensation for their losses and sufferings during the Stamp Act riots; and by the second section of the same act it was provided that "all riots, routs and unlawful assemblies" within this Province, between Aug. 1, 1765, and May 1, 1766, "and all burglaries, felonies, rescues, and breaches of the peace whatsoever . . . be and hereby are pardoned, released, indemnified, discharged, and put in utter oblivion; and that all and every the person or persons acting, advising, assisting, abetting, and councelling the same, be and are hereby pardoned, released, acquitted, indemnified and discharged from the same, and of and from all pains of death and other pains, judgments, indictments, convictions, penalties and forfeitures therefor had or given, or that might accrue, for the same; and that such indictments, convictions and forfeitures are hereby declared null and void." In May, 1767, in conformity with an adverse opinion of the law officers of the Crown and a report from the Board of Trade, the act was disallowed. See Province Laws, vol. iv. pp. 903, 904, and the editor's note, pp. 931-945. — EDS.

manner, & the rather because a meer reversal would answer no purpose whatsoever; for that a criminal once pardon'd is pardon'd for ever. The grace cannot be recalled if it has ever been granted, & that therefore if this Act of Indemnity should be admitted to have existed a moment as a legal act, all the purposes intended by it would be obtain'd, & all the operations design'd by the reversal would be defeated. The previous question was carried for the reasons I have given; but as the principles held by those who were for y<sup>e</sup> motion were not controverted, I make no doubt that the measure suggested by them of declaring y<sup>e</sup> act *null & void ab initio* will be adopted. In the course of this & other debates many reflections were drop'd upon past transactions & upon the present state of affairs in America. The distinction between internal and external taxes frequently occurs, not now as a subject of debate, but a matter of reproach to those who maintain'd last year that Parliament had not a right to lay the former as well as the latter. I told you in my last that that doctrine was then always call'd nonsensical. It has been since said to be criminal and treasonable, & they who defended it then disclaim it now, by alledging that the Declaratory Act has put an end to the question, & determin'd the law.

I overpower you with politicks: if I do, you must blame your American brethren here who assure me that no subject from hence can be more interesting, & to you who are in a publick office it is indeed to a degree a personal concern. Your brother is almost my next door neighbour, & a very good one. He makes, however, frequent excursions into the country, which has more charms to him than London, & has lately been to Newmarket races, where I thought his love & knowledge of horses would have found amusement, but his honest soul was so shocked at the scene of gaming & profligacy he saw there that he is return'd determin'd to oppose every attempt that shall ever be

made to introduce regular horse-races at Boston. You will be so kind as to present my compliments to Mr Oliver & my other friends on your side the great lake, & to believe me

Ever yours.      THOMAS WHATELY.

A paper currency under government security is amongst other things now under consideration.

THE HON<sup>BLE</sup> JOHN TEMPLE, Esq.

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JAMES BOWDOIN TO JOHN LANE.\*

BOSTON, Dec<sup>r</sup> 13, 1767.

S<sup>r</sup>, — I had your obliging favor of the 3<sup>d</sup> of Aug<sup>t</sup>, with invoice of a carpet and fan, w<sup>ch</sup> are rec<sup>d</sup>, am<sup>o</sup> to £12.17 for which I shall credit Mess<sup>rs</sup> Lane, Son & Fraser's account. I observe there are now publishing by Mr Boydell engravings done from the most capital paintings in England, & you are kind enō to invite me as a brother member of the Society for encouraging Arts, &c., to become a subscriber; but you have doubtless been informed of the plans of œconomy w<sup>ch</sup> have lately taken place here in consequence of proceedings on y<sup>r</sup> side the water. These proceedings, w<sup>ch</sup> in the idea of Americans & of some respectable persons with you are utterly inconsistent with the rights of Englishmen & freemen, must eventually, if persisted in, terminate in y<sup>e</sup> distress of both countries, at least in the great detriment of both. This is foreseen & in some degree already felt w<sup>th</sup> respect to America, & has necessitated the slaves of it (for to slavery we think ourselves now damned) to adopt œconomical plans, & every measure that can tend to make such a state in any degree tolerable. You will clearly see therefore the spirit of œconomy, so necessarily prevalent here, will not allow

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\* A London merchant and business correspondent of Mr. Bowdoin. — Eds.

our importing such kind of articles; but this does not hinder my expressing the obligations I am under to you for your very kind information & the readiness you so obligingly manifest to supply me with those or any other articles. Your mentioning the society reminds me that I have not rec<sup>d</sup> for some time past any of the books they annually publish & distribute among the members. Some of y<sup>r</sup> friends here, particularly M<sup>rs</sup> Bowdoin, M<sup>r</sup> & M<sup>rs</sup> Temple, send their respectful compliments to you & y<sup>r</sup> lady, & would be glad to have the pleasure of seeing you here again & accompanied by her. In this pleasure I should largely share. Pray when are we to expect it? I am respectfully,

Yrs, &c.

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MESSAGE FROM GOVERNOR BERNARD.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES.

I hereby communicate to you an extract of a letter from the Earl of Hillsborough, his Majesty's Secretary of State for America, and copies of a report of the Lords Commissioners for Trade & Plantations concerning the constitution of an Agent for this Province. I shall be ready to join with you in the appointment of an Agent, either general or special as shall be thought most expedient. I shall propose no one to you myself, but shall judge freely and impartially of those who shall be submitted to me for my consent.

FRA. BERNARD.

COUNCIL CHAMBER, May 31, 1768.

*Extract of a Letter from the R<sup>t</sup> Hon<sup>ble</sup> the Earl of Hillsborough, one of his Majesty's principal Secretaries of State, to his Excellency Governor Bernard, dated Whitehall, Feb<sup>y</sup> 16, 1768.*

SIR, — Since my appointment to my office the Lords of Trade have transmitted to me their representation to his

Majesty upon those parts of your letters to Lord Shelburne N° 11 & 17 which relate to the claim of the House of Representatives to appoint an Agent for the affairs of the Province independent of the Governor and Council.

I have had the honour to lay this representation before the King, who has commanded me to transmit to you the inclosed copy of it, not doubting that the House of Representatives will be induced from a consideration of the propriety of what is set forth in it, to recede from a claim that appears to his Majesty to be neither supported by reason nor justified by precedent, and to adopt that mode of appointment of an Agent which has been adjudged upon the fullest examination to be the most regular & constitutional in all cases, and seems in a more particular manner to correspond with the principles of the Charter on which the government of the Colony of Massachusetts Bay is founded.

I am, with great truth and regard,

Sir, Your most obed<sup>t</sup> hum<sup>le</sup> servant.

HILLSBOROUGH.

GOVERNOR OF MASSACHUSETTS BAY.

(Copy.)

WHITEHALL, Feb<sup>r</sup> 4, 1768.

MY LORD, — In obedience to his Majesty's commands signified to us by the Earl of Shelburne, in his Lordship's letter of the 7<sup>th</sup> of December last, that we should report our opinion whether the House of Representatives of Massachusetts Bay have a right to chuse an Agent for themselves, and whether such Agent should be received in a public capacity or not, and what the usual practice of government has been in similar cases, we have prepared and herewith transmit to your Lordship our humble representation thereupon.

We are, &c.

CLARE.

SOAME JENYNS.

J. DYSON.

EARL OF HILLSBOROUGH.

(Copy.)

TO THE KING'S MOST EXCELLENT MAJESTY:

MAY IT PLEASE YOUR MAJESTY,— In obedience to your Majesty's commands signified to us by the Earl of Shelburne, one of your Majesty's principal Secretaries of State, in his letter of the 7<sup>th</sup> of Jan<sup>y</sup>, 1768, we have taken into our consideration the following questions therein referred, viz<sup>t</sup>: “Whether the House of Representatives of Massachusetts Bay have a right to chuse an Agent for themselves, and whether such Agent shou'd be received in a public capacity or not, and what the usual practice of government has been in similar cases.” In answer whereunto we humbly beg leave to represent to your Majesty,

That we are of opinion that the House of Representatives of Massachusetts Bay have not in themselves any right or privilege, such as they have assumed, of appointing an agent or representative residing in this kingdom to transact here the public affairs of that Province, constituted by their sole authority and retain'd in their separate service and pay; and this, as we conceive, has ever been the opinion of the servants of the Crown in all precedents where claims of the like nature have been set up by this branch of the Legislature, to the exclusion of the Gov<sup>r</sup> and Council. In particular, we find that in the year 1709 upon an Act being passed in Barbadoes for appointing agents to transact the public affairs of that island, by which act the Gov<sup>r</sup> and Council were excluded from any share in the nomination of these officers, the matter in question came to be solemnly discussed, and the Lords Commissioners for Trade and Plantations then in office, in reporting for the repeal of this law, did in the fullest and clearest manner state their opinion in an humble representation to the Crown, “That this pretended right of the Assembly of Barbadoes, exclusive of

the Gov<sup>r</sup> and Council there, of appointing persons under the public character of agents for negotiating in this kingdom the public affairs of that island was no way founded upon good reason, nor warranted by the like usage in any other Plantation under his Majesty's immediate governm<sup>t</sup>, but was inconsistent with the nature and form thereof, & might tend to create jealousies and divisions in the several parts of that Legislature, to the manifest disquiet of his Majesty's subjects there, and to the prejudice of that trade."

These remarks, both with respect to the invalidity of such pretensions and the prejudices that might result from the allowance of them, with many other arguments and observations contained in that paper, apply themselves so directly to the case in question that we shall humbly beg leave to annex hereunto a copy of that representation.

If for these reasons it shall appear to your Majesty that the House of Representatives are not warranted in the right they have assumed, we conceive that little doubt can occur upon the policy of tolerating them in such assumption. The intelligence contained in the extracts from Gov<sup>r</sup> Bernard's letter to the Earl of Shelburne communicated to us by his Lordship further inclines us to apprehend that the receiving an agent so partially constituted, in the various offices and departments of governm<sup>t</sup> in a public capacity, will most probably be attended with inconvenience and embarrassment; and therefore tho' cases may have occur'd wherein governm<sup>t</sup> either thro' inadvertence or from various other causes may have admitted persons under the separate appointment of a Provincial Assembly to solicit the affairs of such respective Province in the capacity of agents, yet as the few precedents of this nature which either accident or inattention have let pass cannot be construed to establish a right, we think that your Majesty's ministers may in

all cases where they apprehend any inconveniences from the reception of such an agent persist in an exclusion of him, consistently with reason & justice, and without any infraction of the rights and priviledges of the Assembly who are his constituents.

All which is most humbly submitted.

CLARE.

SOAME JENYNS.

W<sup>m</sup> FITZHERBERT.

Tho<sup>s</sup> ROBINSON.

WHITEHALL, Feb. 4, 1768.

(Copy.)

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,— Having received an Act passed in Barbadoes the 16<sup>th</sup> of May, 1709, intituled “An Act appointing agents to transact the public affairs of this island,” we have considered the same, and thereupon humbly take leave to represent to your Majesty.

That we find since the year 1660 there have been frequent disputes between the Council and Assembly of Barbadoes about the nominating and appointing agents residing within this kingdom to transact here the public affairs of that island, the Assembly having claim'd a right of such nomination and appointment exclusive of the Governor and Council ; and they having for the most part done the same by a clause in the Excise Bill, refusing to grant the duty arising thereby, unless they named the said agents in the Bill, to which the Council were some time necessitated for the sake of the said duty to consent ; by this means (the Excise Bill being made for one year only) the Assembly annually nominated the agents notwithstanding the opposition made thereunto by the Council ; but we do not find that any of these laws by which agents have been constituted have at any time been confirmed by your Majesty or any of your royal predecessors.

In the year 1697, when the Assembly insisted upon their pretended rights, the then President in Council disallowed thereof for the reasons mentioned in the annexed paper marked A.

But not to go too far back we shall only humbly lay before your Majesty what has passed relating to the appointment of agents since M<sup>r</sup> Crow's arrival here.

The Assembly in March 1707/8 sent up to the Council a new Excise Bill with the usual clause for the agents in it; the Council upon consideration thereof gave their reasons for not allowing the said clause; this occasioned several messages and conferences between the Council & Assembly and upon the Council's insisting to have the said clause omitted, the Assembly on the 19<sup>th</sup> of March 1707/8, in consideration of the great want of money there was at that time, passed the Excise Bill without the said clause, but made the following resolves.

“Resolved, that from the first constitution and appointing of agents in England for the public service of this island, the right of appointing such agents was and is in the representative body of this island.

“Resolved, that the members of her Majesty's Council of this island by setting up a right with this House to nominate and appoint such agents have endeavoured to invade the right which is solely fixed in this House.”

In December, 1708, the first abovementioned act for appointing agents (which is founded on the foresaid resolves, the preamble setting forth the necessity of the inhabitants having agents here to solicit for them, and the next clause desiring the Governor and Council to ratify the Assembly's nomination & appointment of their agents) was brought into the Assembly where it lay till May, and was then passed by them, and sent up to the Council; but whether the Council made then any objections to this act, or no, does not appear to us, their minutes for that time not having been transmitted, however, as this act

excludes the Governor and Council from nominating and appointing agents, we humbly conceive that Mr Crow has not done his duty in passing the same.

But that your Majesty may have a clearer view of the pretensions of the Assembly we further take leave to represent to your Majesty, that in Novem<sup>r</sup>, 1708, the persons named in the first abovementioned act for agents delivered to us as a paper, intituled some positions laid down, that the General Assembly exclusive of the Governor & Council may appoint agents to negociate the public affairs of this island in England, which paper containing some positions of a very extraordinary & dangerous consequence we take leave to annex a copy thereof marked B., and upon it to make the following observations.

We do agree that it is the undoubted right of the subject, either in his private capacity or as a body politick to apply to your Majesty by petition, complaint or other address so it be done in such manner as the law directs, yet we can by no means admit it to be a necessary consequence that therefore the General Assembly of Barbadoes, exclusive of the Gov<sup>r</sup> & Council there, have a right to appoint persons under a public character of agents for negociating in this kingdom the public affairs of that island by way of application to your Majesty ; such a pretended right is no ways founded upon good reason, nor warranted by the like usage in any other Plantation under your M<sup>t</sup>ry's immediate gover<sup>t</sup>, but is inconsistent with the nature and form thereof, and may tend to create jealousies and divisions in the several parts of that Legislature to the manifest disquiet of your Majesty's subjects there, and to the prejudice of that trade.

If such exclusive power of appointing public agents be allowed to the General Assembly, with as much reason may the Gov<sup>r</sup> & Council severally claim a like power, exclusive one of the other, to appoint their respective agents. For if the Gen<sup>l</sup> Assembly cannot (as they sug-

gest) rely upon the service of any other agents than such as are solely chosen by and intirely dependant on them, what use can the Gov<sup>r</sup> or Council expect to have of agents so chosen, who are intirely independant of the Gov<sup>r</sup> & Council?

What mischief and confusion in business such distinct agencies may occasion by their interfering and clashing one with another, according to the several instructions they may receive from their respective principals, is so obvious we shall not trouble your Majesty therewith.

Among the several reasons given for allowing an exclusive right in the General Assembly, some of them are very extraordinary, they being founded upon unjust suppositions; that the Gov<sup>r</sup> and Council will refuse or neglect to employ their best offices for procuring from your Majesty a concession of whatever may reasonably be desired for the ease, safety, or benefit of the island; and that they will in all matters be inclined to support and maintain the prerogative without having a due regard to the rights and privileges of the subject.

This is to suppose, not only that so many of the principal inhabitants as constitute the Council have no share in or concern for the good of their country, but that both Gov<sup>r</sup> and Council will act contrary to the express trust reposed in them; and we look upon any insinuation as tho' the interest of the Crown were separate from that of the subject to be false and of dangerous consequence.

Wherefore we are humbly of opinion that the Gen<sup>l</sup> Assembly of Barbadoes exclusive of the Gov<sup>r</sup> and Council have not any right, nor ought to be allowed, to appoint persons under the character of public agents for negociating in this kingdom the public affairs of that island; nor do we see wherein such appointment of agents by the Assembly can answer the end they propose, since they cannot reasonably expect that your Majesty will come to any resolution upon the application of such agents in pub-

lic matters, without referring the same to the Gov<sup>r</sup>, or to him & the Council there for their opinion therein ; and therefore we humbly offer that your Majesty be pleased to signify your disallowance & disapprobation of the said act for appointing agents, but in case your Majesty shall think fit that agents may be nominated and appointed by the joint consent of the Gov<sup>r</sup>, Council, and Assembly to negociate here the public affairs of that island, as is practiced in Jamaica and some other of the plantations, we have no objection to it.

All which is most humbly submitted.

STAMFORD.

DARTMOUTH.

JN<sup>o</sup> SMITH.

PHIL. MEADOWS.

J. PULTNEY.

ROB<sup>r</sup> MONCTON.

WHITEHALL, Nov<sup>r</sup> 9<sup>th</sup>, 1709.

#### PETITION OF THE COUNCIL TO THE KING.

TO THE KING'S MOST EXCELLENT MAJESTY.

THE humble petition of the Council of the Province of Massachusetts Bay.

We, your Majesty's most dutiful and loyal subjects, the Council of the Province of the Massachusetts Bay, deeply impressed with a sense of your paternal affection for all your subjects even the most remote of them, and your disposition to hearken to their addresses with an attention suited to the nature of them, humbly beg leave in behalf of your faithful subjects of said Province to represent to your Majesty ;

That the first setlers of New England, more attentive to religion than worldly emolument, planted themselves in this country with a view of being secure from religious

imposition, and not with any expectations of advancing their temporal interests which the nature of the soil forbade them to indulge.

That they obtained a patent of this country from King Charles the First, which though vacated in the unhappy times of James the Second, revived in the present Charter of the Province, which was granted in the succeeding glorious reign of King William and Queen Mary, who by said Charter confirmed to their subjects in this Province divers important rights and privileges, which have been enjoyed to the present time.

That from the length and severity of the winters, the inferiority of the soil, and the great labour necessary to subdue it they underwent incredible hardships.

That besides the climate and soil they had to contend with a numerous and barbarous enemy, which made frequent inroads upon them, broke up their exterior settlements, and several times had nearly accomplished their utter destruction, by which means they were kept in perpetual alarms, and their country made the scene of rapine and slaughter.

That nothing but the most invincible fortitude, animated by the principles of religion, could have enabled them to sustain the hardships and distresses that came upon them by these causes; nothing less could have induced them to persevere in the settlement of a country, from which in its best estate they had only to expect a comfortable subsistence, and that in consequence of their unremitting labour.

That by this labour, these hardships and distresses, they dearly purchased the rights and privileges and the country granted to them by Charter, and which they have transmitted to their children and successors, the present inhabitants, your Majesty's faithful subjects of this Province.

That the present inhabitants, though more happily

circumstanced than their ancestors, and though some among them, especially in the trading towns, live in affluence, yet from the operation of the same causes (the length and severity of the winters and the stubbornness and infertility of the soil) are now able with all their labour to obtain but a comfortable support for themselves and families, and many of them a very slender one; their cloathing, of which in this cold climate a great deal is necessary, and which, except some small part of it which they make themselves, is wholly made of the woolens and other manufactures of Great Britain; the other necessary articles of subsistence and the yearly taxes upon their polls and on their real and personal estates taking up the whole, or nearly the whole, produce of their lands.

That by their means your Majesty's dominions have been enlarged, your subjects increased, and the trade of Great Britain extended, all in degree envied by her enemies, and unexpected by her warmest friends; and all without any expence to her till the late war.

That in the late war, without recurring to the former expeditions against Canada, to the reduction of Nova Scotia in seventeen hundred and ten, to the preservation of it several times since, to the conquest of Louisbourg with its dependent territories in seventeen hundred and forty-five, the reddition of which was esteemed by France an ample equivalent for all her conquests during, on her part, a successful war, and gave peace to Europe,—upon your Majesty's requisitions and the requisitions of your royal grandfather this Province in the last war yearly raised a large body of troops to assist in conjunction with other Colony troops in reducing the French power in America, the expence of which was very great, and would have been insupportable if part of it had not been refunded by Parliament from a conviction of our inability to bear the whole.

That the loss of men in the several campaigns of that war was great, and which to a young country must be very detrimental, and could not be retaliated by grants of Parliament, and to which those grants had no respect.

That the acquisition of so large a part of America by your Majesty's arms, though a great national good, and greatly beneficial to the Colonies by freeing them from the hostilities of the French, and (in a good measure) of the Indians that were under their influence, has in several respects operated to the detriment of the Colonies; particularly in diminishing the value of real estates, and drawing our people from us to settle the new acquired territory.

That said acquisitions have occasioned new and increasing demands for the manufactures of Great Britain, and have opened to her sources of trade greatly beneficial and continually enlarging, the benefits of which center in herself, and which with the extensive territories acquired are apprehended to be an ample equivalent for all the charges of the war in America, and for the expences of defending, protecting, and securing said territories.

That this Province in particular is still in debt on account of the charge incurred by the late war.

That the yearly taxes — excepting the present year, on which no public tax has been yet laid by reason of a general valuation of estates through the Province, which could not be compleated before the dissolution of the late General Assembly, but which will probably be resumed when a new Assembly shall be called — that the yearly taxes upon the people for lessening the said debt, thô not so great as during the war, are nevertheless with more difficulty paid by reason of the greater scarcity of money.

That the scarcity of money in the Colonies is owing to the ballance of their trade with Great Britain being

against them, which ballance without the operation of the several acts of Parliament taxing the Colonies by laying certain duties for the purpose of drawing a revenue from them drains them of their money, so as that their trade, which is the only source of their money, is greatly embarrassed.

That the embarrassment is much increased by the late regulations of trade, and by the tax acts aforesaid, which draw immediately from trade the money necessary to support it, on the support of which the payment of the ballance aforesaid depends.

That the said tax acts operating to the detriment of the trade of the Colonies must operate to the detriment of Great Britain by disabling them from paying the debt due to her, and by laying them under a necessity of using less of her manufactures.

That by using the manufactures of Great Britain which are virtually charged with most of the taxes that take place there, the Colonies pay a considerable part of those taxes.

That by several acts of Parliament the Colonies are restrained from importing most of the commodities of Europe, except from Great Britain, which occasions her manufactures and all commodities coming from her to be dearer charged, and is therefore equivalent to a tax upon them.

That the Colonies are prohibited from sending to foreign markets many valuable articles of their produce, which giving to Great Britain an advantage in the price of them is a proportionable and a further tax upon the Colonies.

That the exports of the Colonies, all their gold and silver, and their whole powers of remittance fall short of the charged value of what they import from Great Britain.

That in evidence of this we humbly apprehend the merchants of Great Britain trading to the Colonies, but

especially such as send goods to them on factorage, can declare their judgment, who from the difficulty of obtaining remittances, from the bad debts made, and from the rate of exchange, which is generally above par, can form a very good one.

That if it be considered what difficulties the Colonies encountered on their first settlement; their having defended themselves (Nova Scotia & Georgia excepted) without any expence to Great Britain; the assistance given by them in the late war whereby the empire of Great Britain is so greatly extended, and its trade proportionably increased; the diminution of the value of their estates, and the emigration of their inhabitants occasioned by that extension; the loss of men in said war, peculiarly detrimental to young countries; the taxes on them to support their own internal government; the share they pay of the duties and taxes in Britain by the consumption of British manufactures, for which such valuable returns are made; the restraints upon their trade, equivalent to a tax; the balance of trade continually against them, and their consequent inability to pay the duties laid by the acts aforesaid: If these facts be considered, we humbly conceive it must appear that your Majesty's subjects in the Colonies have been and are as much burthened as those in Great Britain, and that they are, whilst in America, more advantagious to Britain than if they were transplanted thither, and subjected to all the duties and taxes paid there.

With great humility we beg leave to lay this representation at your Majesty's feet, humbly praying your Majesty's favorable consideration of it, and that the Charter rights and privileges of the people of this Province may be secured to them. And if it should appear to your Majesty that it is not for the benefit of Great Britain and her Colonies (over which your paternal care is conspicuous) that any revenue should be drawn from

the Colonies, we humbly implore your Majesty's gracious recommendation to Parliament that your American subjects may be relieved from the operation of the several acts made for that purpose, in such manner as to the wisdom of your Majesty and Parliament may seem proper.

At a Council held at the Council Chamber in Boston, on Thursday, July 7, 1768.

*Present in Council.*

His Excellency Francis Bernard, Esq., Governor.

Isaac Royall	}	James Russell
John Erving		
James Bowdoin		
Tho <sup>s</sup> Hubbard		
Harrison Gray		

Tho <sup>s</sup> Flucker	}	Esq <sup>rs</sup> .
Royall Tyler		
James Pitts		

M<sup>r</sup> Bowdoin from the Committee appointed to prepare a humble address to his Majesty, having reported the foregoing draft, the same was accepted: and his Excellency was thereupon unanimously desired to transmit a fair copy of the same to his Majesty's Secretary of State, with a request that he would be pleased to lay it before his Majesty for his most gracious consideration; and that his Excellency be desired at the same time to recommend the prayer of the said petition.

THE COUNCIL TO GOVERNOR BERNARD.

TO HIS EXC<sup>R</sup> FRA<sup>S</sup> BERNARD.

BOSTON, Sep<sup>r</sup> 11, 1768. Sunday, A. M.

S<sup>r</sup>, — The certain intelligence your Exc<sup>y</sup> is said to have rec<sup>d</sup> of troops being ordered hither,\* & your expec-

\* It was reported that the Governor had said three regiments might be daily expected in Boston, two to be quartered in the town, and one at Castle William; and on the petition of a considerable number of the inhabitants a town meeting was held on the 12th, "to consider of the most wise, constitutional, loyal and salutary measures to be adopted on such an occasion." See The Boston Gazette, Sept. 19, 1768.—EDS.

tation of their speedy arrival, have a good deal agitated the minds of people; and as we apprehend it is of importance, great importance, a Council should be called as soon as may be, we desire yr Exc<sup>y</sup> to call one at four o'clock this afternoon when we shall be ready to attend your Exc<sup>y</sup>, either at the Council Chamber or at the Province House. We are very respectfully

Y<sup>r</sup> Exc<sup>y</sup>'s most obed<sup>t</sup> serv<sup>ts</sup>.

JOHN ERVING.

JAMES BOWDOIN.

THO<sup>s</sup> HUBBARD.

HARRISON GRAY.

THO<sup>s</sup> FLUCKER.

ROYALL TYLER.

JAMES PITTS.

Sunday noon,  $\frac{1}{2}$  past 12 o'clock, Sept<sup>r</sup> 11. Dld a letter (of w<sup>ch</sup> the foregoing is copy) to Mr Baker, with directions to get a horse & carry s<sup>d</sup> letter immediately to the Gov<sup>r</sup> at his house at Roxbury, or if not there, at the Castle, or wherever he may be.

#### GENERAL GAGE\* TO GOVERNOR BERNARD.

NEW YORK, Septem<sup>r</sup> 12<sup>th</sup>, 1768.

SIR,— Having received his Majesty's commands to order troops forthwith to Boston, I am to acquaint you

\* Thomas Gage was the second son of the first Viscount Gage, and was born in England in 1721. He was a Lieutenant-Colonel in Braddock's expedition in 1755, and succeeded to the command on the death of the General. In 1758 he was with Abercrombie in the movement against Ticonderoga; and after the surrender of Montreal in 1760 he was appointed military governor of that city. In December, 1763, he succeeded Amherst as commander-in-chief of the British forces in North America, with headquarters in New York. In February, 1773, he sailed for England, returning in May, 1774, with the appointment as Governor of Massachusetts. His unsuccessful management of affairs led to his recall, and he again sailed for England in October, 1775. He was not afterward in active service, and died in England, April 2, 1787. See Appleton's Cyclopædia of American Biography, vol. ii. pp. 569, 570; N. Y. Col. Docs., vol. viii. p. 247 note; Dictionary of National Biography, vol. xx. pp. 355-357.—Eds.

that in obedience thereto I have directed his Majesty's 14<sup>th</sup> and 29<sup>th</sup> regiments under the command of Lieut<sup>t</sup> Col<sup>o</sup> Dalrymple to embark at Halifax and proceed to Boston as soon as possible. One of the regiments is ordered for the present to Castle William, the other to the town, and I am to beg the favor of you to see that the said troops are provided with quarters on their arrival in your government as by law directed. I have the honor to be, with great regard, Sir,

Your most obed<sup>t</sup> & most humble servant.

THO<sup>s</sup> GAGE.

HIS EXCELLY GOVR BERNARD.

(Copy.)

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#### PROCEEDINGS OF THE COUNCIL.

IN COUNCIL, 19<sup>th</sup> Septem<sup>r</sup>, 1768.

HIS EXCELLENCE communicated to the Board a letter from General Gage of ye 12<sup>th</sup> Sept. inst<sup>t</sup>, acquainting him that in obedience to his Majesty's commands he had directed the 14<sup>th</sup> & 29<sup>th</sup> regiments under the command of Lieut<sup>t</sup> Col<sup>o</sup> Dalrymple to embark at Halifax as soon as possible for Boston, one of which regiments is ordered for the present to Castle William, the other to the town, and asking his Excellency to see that the said troops be provided with quarters on their arrival as by law directed.

His Excellency likewise communicated to the Board a letter from the Earl of Hillsborough dated the 30<sup>th</sup> July last, acquainting him that transports were preparing with all possible dispatch in order to proceed to Corke to take on board two other regiments which are to be augmented by draughts to 500 men each, and signified his Majesty's commands that the Gov<sup>r</sup> do in concert with ye Command<sup>r</sup> in Chief take every necessary step for the reception and accommodation of these troops.

His Excell<sup>y</sup> thereupon moved to the Board that they would take these letters into their deliberate consideration, and give him their best advice in what manner provision should be made for the reception and accommodation of the said troops.

The Board having debated the matter advised that his Excellency give proper orders for the accommodation of that regiment destined for the Castle, and with regard to the other regiment the Board were of opinion, & accordingly advised, that as the business in the first instance affected the town of Boston, it would be expedient that the selectmen of the said town should be apprized of it that they may consider in what manner the said troops may be accommodated with the least inconvenience to the inhabitants, and that John Erving, Ja<sup>s</sup> Bowdoin, Tho<sup>s</sup> Hubbard, Harrison Gray, Tho<sup>s</sup> Flucker, Royall Tyler, & Ja<sup>s</sup> Pitts, Esq<sup>rs</sup>, be a committee to confer with the said selectmen upon the subject, and that the said Committee report to y<sup>e</sup> Gov<sup>r</sup> in Council as soon as may be.

The Committee of Council appointed the 19<sup>th</sup> instant notified the selectmen of Boston to meet them at the Council Chamber at 4 o'clock, P. M. of the same day: they met accordingly, when the Committee communicated the copies of letters laid before the Board to the said selectmen, who after a full conference upon the subject of them desired the s<sup>d</sup> copies might be left with them for their consideration, and they would report to the Com<sup>tee</sup> as soon as may be.

The s<sup>d</sup> selectmen met the Committee Sept. 21, and informed them that the affair of quartering the troops being wholly under the regulation of the act of Parliament relative to troops in America, and said act not making it their particular duty to provide for the s<sup>d</sup> troops they can only say that it wou'd be for the peace & welfare of the town & be attended with the least inconvenience to the inhabi-

tants that the two regiments expected from Halifax shou'd be accommodated in the barracks at Castle William, which is part of the town of Boston, so far as they are capable of receiving them, and they apprehend there is sufficient room in the said barracks for that purpose, and that the act of Parliament indispensably requires that the troops shou'd be accommodated there, and nowhere else unless there be a deficiency of room in the s<sup>d</sup> barracks. With regard to the two regiments said to be coming from Ireland they suppose it will be some time before they can be here, and that there will be sufficient opportunity before their arrival to consider how they may be accommodated.

In the name of the Com<sup>tee</sup>.

JOHN ERVING.

BOSTON, Sept<sup>r</sup> 21, 1768.

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IN Council, 22<sup>d</sup> Sept., 1768. Present:

His Excellency, the Governor		
Sam <sup>l</sup> Danforth		Ja <sup>s</sup> Russell
Jn <sup>o</sup> Erving		Tho <sup>s</sup> Flucker
W <sup>m</sup> Brattle		Isaac Royall
Ja <sup>s</sup> Bowdoin	Esq <sup>rs</sup> .	Royall Tyler Esq <sup>rs</sup> .
Tho <sup>s</sup> Hubbard		Jeremiah Powell
Harrison Gray		James Pitts

The Com<sup>tee</sup> appointed the 19<sup>th</sup> ins<sup>t</sup> to confer with the selectmen of the town of Boston and consider in what manner the troops now expected may be accomodated with the least inconvenience to the inhabitants reported as above.

The foregoing report having been read in the Council, and it appearing from thence that the aid or interposition of the selectmen of the town of Boston was not to be expected in the case, his Excellency proposed to the Board, Inasmuch as there is a large building within the town be-

longing to the Province called the Manufactory House, which is at present under no improvement in consequence of an order of the government, and which would accommodate a great part of one of the regiments, that they would authorize him to take measures for fitting up the said building for the reception of so many of the said troops as it will conveniently accommodate, his Excellency engaging that if the Province will not pay the expence of it, that it shall be done at the charge of the Crown.

The Council informed his Exc<sup>r</sup> they would give an answer to the foregoing proposal to-morrow the 23<sup>d</sup>, whereupon the Board was adjourned to 10 o'clock, A. M.

Sept. 22, Post Meridiem. The Council met by themselves, and after fully considering the said proposal together with General Gage's letter, & the extract from Lord Hillsbourough's letter, appointed a Com<sup>tee</sup> to prepare the draft of an answer to the said proposal, and directed them to report it the next day at 9 o'clock, A. M., at which time the Council agreed to meet.

Council Chamber, Sept. 23, A. M., 1768. M<sup>r</sup> Bowdoin, M<sup>r</sup> Gray, & M<sup>r</sup> Tyler pursuant to the appointment of the Council yesterday P. M., reported to the Board an answer to his Excellency's proposal for the accommodation of the troops, which answer being considered and amended is agreed to by the Board.

The Board was informed by the Secretary that the weather being so stormy the Governor will not be in town to-day, and desires they will meet him at the Province House to-morrow at 10 o'clock, A. M.

Saturday, Sept. 24, 1768. The weather continuing stormy his Excellency did not come to town till the afternoon, when the Council waited upon him with their answer.

An alteration being proposed in the said answer, it was agreed by the Council to meet Monday morning, 9 o'clock, the 26<sup>th</sup> instant, to consider it; and his Excell<sup>y</sup> informed

the Council that their answer might then be given to the Secretary to be delivered to him without any further meeting thereon.

Sept. 26, A. M. The Council met & agreed to the alteration, and then delivered the said answer to the Secretary.

The answer follows:

The Board have taken into their further consideration General Gage's letter and the extract from Lord Hillsborough's letter communicated by his Excellency on the 19<sup>th</sup> inst<sup>t</sup>, relative to the reception and accommodation of the troops in the said letter & extract mentioned, and have also considered his Excellency's proposal of the 22<sup>d</sup> instant, relating to the Manufactory House in Boston, that they wou'd authorize him to take measures for fitting up the said building for the reception of so many of the said troops as it will conveniently accomodate. They have also attentively considered the act of Parliament providing among other things for the quartering & billetting the said troops, and they find that the civil officers in the said act mentioned and no others are thereby empowered and "required to quarter and billet the officers & soldiers in his Majesty's service in the barracks provided in the Colonies ; and if there shall not be sufficient room in the said barracks for the officers & soldiers, *then & in such case only* to quarter & billet the residue" of them in such manner as in the said act is further and very particularly directed. Now it appears by this paragraph of the said act that in any Colony where there are barracks the said officers & soldiers in his Majesty's service shall be quartered & billeted in such barracks, and in no other place unless there shall not be sufficient room in the barracks. With respect to this Colony the government of it in the begining of the late war by their order caused barracks to be built at Castle William for the very purpose of accomodating his Majesty's

troops whenever it should be necessary for them to come hither, under which order the Governor & Council are authorized to provide quarters in the said barracks for such troops; and these barracks are sufficient to accomodate about one thousand men, which number, it is said, the two regiments ordered from Halifax will not exceed. Those regiments therefore, which are the first expected, the said act of Parliament requires to be quartered in the said barracks. General Gage, however, in his letter aforesaid mentions that one of the said regiments is ordered for the present to Castle William, the other to the town of Boston; but it will be no disrespect to the General to say that no order whatsoever coming from a less authority than his Majesty & Parliament can supersede an act of Parliament; and it is plain the General had no intention that the said order should, as he concludes his letter by desiring the Governor to see that the said troops are provided with quarters on their arrival in this government as by law directed. The said act also provides "that if any military officer shall take upon himself to quarter soldiers in any of his Majesty's dominions in America otherwise than is limited and allowed by this act, or shall use or offer any menace or compulsion," &c., he shall be "*ipso facto* cashiered, and be utterly disabled to have or hold any military employment in his Majesty's service." His Excellency therefore, as the Board apprehend, must clearly see by examining the s<sup>d</sup> act that it is not in the power of the Board to provide quarters for the said regiments as destined, till the barracks at Castle William and the inns, livery stables, and other houses mentioned in the said act shall be full (in which "and no other case & upon no other acc<sup>o</sup> it shall & may be lawful for y<sup>e</sup> Gov<sup>r</sup> & Council" to take the measures they are directed to by the s<sup>d</sup> act for the reception of his Majesty's forces); nor of consequence to authorize his Excellency to take

measures for fitting up the Manufactory House agreeable to his proposal.

The quartering of troops in the body of the town before the barracks are full is not only contrary to the act of Parliament, but would be inconsistent with the peace of the town; whose peace & welfare, as also the peace & welfare of the Province in general, it is the duty, interest and inclination of the Board to promote, and which in every way consistent with law they will endeavour to promote to the utmost of their ability.

As the Board on the 19<sup>th</sup> inst<sup>t</sup>, when the letters above ment<sup>d</sup> were first communicated to them, advised that his Excell<sup>y</sup> give proper orders for y<sup>e</sup> accomodation of one of y<sup>e</sup> Halifax regiments in the barracks at Castle W<sup>m</sup>, so they now further advise that his Excell<sup>y</sup> give like orders for the accomodation of the other Halifax regiment in the s<sup>d</sup> barracks.

With regard to the two regiments ordered from Ireland to Boston, the Board doubt not that provision will be made for their accomodation agreeable to the act aforesaid.

That the Board might be better able to give their advice in regard to the regiments ordered hither they thought it necessary that y<sup>e</sup> whole of Lord Hillsborough's letter so far as it related to the s<sup>d</sup> regiments and to the occasion & design of their coming should be communicated to them, and they accordingly desired his Excell<sup>y</sup> to communicate it. But though his Excell<sup>y</sup> was pleased to tell them he should very probably lay the whole of it before the Board in such parcels & at such times as he thought proper, yet as they apprehend the propriety of their own conduct in a great measure depends on the communication of y<sup>e</sup> whole of it together, they again request his Excell<sup>y</sup> to favor them with it.

With regard to the occasion of y<sup>e</sup> s<sup>d</sup> regiments being ordered to Boston his Excell<sup>y</sup> on being asked informed y<sup>e</sup>

Board that he apprehended the Halifax regiments were ordered hither in consequence of y<sup>e</sup> riots in March last, & the two Irish reg<sup>ts</sup> in consequence of that of the 10<sup>th</sup> June last. On which the Board are obliged to observe that they are fully persuaded his Majesty's ministers could never have judged it either necessary or expedient to go into such extraordinary measures as those of sending troops hither, unless in y<sup>e</sup> representations made from hence by some ill-minded persons the s<sup>d</sup> riots had been greatly magnified and exaggerated.

With respect to what hapend on the 18 March, which was a day of rejoicing, and on such days disorders are not uncommon in populous places, it was too inconsiderable to make it a subject of representation, and could not have been made the subject of so injurious an one but by persons disposed to bring misery & distress upon the town & Province.

In regard to y<sup>e</sup> riot of y<sup>e</sup> 10<sup>th</sup> of June, of which the Board have repeatedly expressed their abhorrence, and have advised that the perpetrators of it should be prosecuted by the Attorney General, the Board have in their answer to his Excell<sup>y</sup>'s representation laid before them the 27<sup>th</sup> of July last, given a just account of y<sup>e</sup> occasion of that riot, and as they apprehend it necessary that the said account together with all the proceedings at that time should be made public they again desire his Excell<sup>y</sup> will order the s<sup>d</sup> representation & answer to be printed as soon as may be in the public newspapers.\*

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SEPT. 29<sup>th</sup>, CASTLE WM.

Capt. Smith, com<sup>r</sup> of his Majesty's ships at Boston, & L<sup>t</sup> Col<sup>o</sup> Dalrymple, com<sup>r</sup> of the troops on board of the s<sup>d</sup>

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\* The foregoing answer of the Council was printed in a "Supplement Extraordinary To the Boston Evening-Post of September 26, 1768," and the proceedings of the Council on the 27th and 29th of July are in a "Supplement Extraordinary," Oct. 10, 1768. — EDS.

ships, having been desired by the Gov<sup>r</sup> to attend, were likewise present.

His Exc<sup>y</sup> the Gov<sup>r</sup> open<sup>d</sup> the occasion of the Council's being summon<sup>d</sup> & acquainted the officers aforementioned what had been the resolutions of the Council w<sup>th</sup> regard to quartering the s<sup>d</sup> troops. Whereupon Col<sup>o</sup> Dalrymple acquainted the Board that his orders from the Com<sup>r</sup> in Chief were that one of the two regiments now arrived should be quartered in y<sup>e</sup> town of Boston, & that he could not consider Castle Island to be the town of Boston within the intention of his orders, & that he could not himself depart from y<sup>e</sup> s<sup>d</sup> ord<sup>rs</sup> & that he now made a requisition for quarters accordingly. Whereupon his Exc<sup>y</sup> desired that the Board would reconsider the proposal he had before made to them of fitting up the Manufactory House as barracks for the reception of Col<sup>o</sup> Dalrymple's regiment w<sup>ch</sup> is the regiment destined for the town in case it can be done at the expence of the Crown; and in case they sh<sup>d</sup> adhere to their former resolution that they w<sup>d</sup> assign the reasons thereof.

To w<sup>ch</sup> the Board made the follow<sup>g</sup> reply:

The Board having already considered the proposal of fitting up the Manufactory House as barracks, & his Exc<sup>y</sup> having on application made to him this day in Council refused them an opportunity of giving any fuller answer than what they have already given to the s<sup>d</sup> proposal, unless done in Council, are under a necessity (saving, however, the right of the Board in all cases in their own way & manner to make answer to any proposal made to them) of referring his Exc<sup>y</sup> to the answer already given as aforesaid & which they waited upon his Exc<sup>y</sup> with on the 24<sup>th</sup> instant. And whereas by the act of Parliament relative to the providing quarters for the troops the quartering of them before the barracks & public houses are full is only cognizable by the civil officers in the s<sup>d</sup> act mentioned, the Board apprehend Col<sup>o</sup> Dalrymple ought by s<sup>d</sup> act first

to apply to the magistrate & civil officers of the town of Boston to provide such quarters.

Monday, Oct<sup>o</sup> 3, 1768. A Council held at the Province House.

His Excellency communicated to the Board a letter from L<sup>t</sup> Col<sup>o</sup> Dalrymple acquainting him that he had rec<sup>d</sup> orders by express from General Gage to land the two regiments from Halifax at Boston, & that he was under a necessity of demanding quarters for them there, and desiring that fuel, straw, and the other articles directed to be provided for the troops may be got in readiness.

Col<sup>o</sup> Dalrymple & Capt. Smith desiring to be admitted before the Board came to a determination, they were admitted accordingly; when Col<sup>o</sup> Dalrymple took occasion to explain the intention of his requisition, viz.; that as the Board could not think themselves authorized to provide barracks in the town, inasmuch as barracks have already been provided by the government at Castle William, he had encamped some of his troops & was providing barracks for the rest in the town, so that he considered them all as in barracks, and demanded barrack provisions accordingly, agreeable to act of Parliament.

Whereupon his Exc<sup>y</sup> moved to the Board that they would appoint some suitable person or persons to make such provision.

The Board desired time to consider the motion; but the Gov<sup>r</sup> refused it, insisting on an answer imediately. However, after much altercation the Gov<sup>r</sup> adjourned the Board to Wednesday, A. M., 10 o'clock, Oct<sup>o</sup> 5, when they gave him the following answer:

Advised, that agreeable to his Excellency's motion one or more person or persons be authorized & appointed to furnish & supply the officers & soldiers put and placed in the barracks with fire, candles, &c., as particularly mentioned in the act of Parliament, provided the person or persons so to be authorized and appointed will take the risk of the

Province's paying to him or them all such sum or sums of money so by them paid, laid out, or expended for the purpose aforesaid.

And inasmuch as the Board in Col<sup>o</sup> Dalrymple's letter aforesaid, dated the 30<sup>th</sup> ult<sup>o</sup>, and before his coming to town, observed a suggestion that a bad spirit prevailed here, & that in consequence of it Gen<sup>l</sup> Gage had been induced to order both the regiments to be landed in the town, but as Col<sup>o</sup> Dalrymple must before this time have had the fullest evidence that no such spirit is prevalent, & that the town is in a state perfectly peaceful and quiet, the Board doubt not of his justice to represent it to the General accordingly, which they cannot but apprehend will procure from the General a recall of his last order, and that agreeable to his letter to Gov<sup>r</sup> Bernard of the 12<sup>th</sup> ult<sup>o</sup> one at least of the said regiments will be again ordered to Castle William. The Board also persuade themselves that the same reason will induce the General to order the Irish regiments to Nova Scotia or to some other parts where his Majesty's service may require them.

The Board desire the Governor to send by the post tomorrow a copy of this minit of Council to Gen<sup>l</sup> Gage, with such representations as his Excellency shall think proper to induce the General to give such orders as will relieve the town & Province from their present anxiety and distress.

His Exc<sup>y</sup> nominated Joseph Goldthwait, Jun<sup>r</sup>, Esq<sup>r</sup> to be comissary for the purpose above mentioned; and he was appointed accordingly.

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JOHN TEMPLE TO THOMAS WHATELY.

BOSTON, 4 Nov<sup>st</sup>, 1768.

DEAR SIR,—Tired out with the ill-treatment I have met with from Gov<sup>r</sup> Bernard and (through his machina-

tion) from the gentlemen joined in commission with me, I have by this opportunity solicited the Lords of the Treasury for leave to come to England, and shall be very much obliged to you to forward my request if you have any friend at the Treasury that you can now speake to on such business.

As I expect to see you early in the spring I will not at this time trouble you with the mention of public affairs, further than to say, if goverment do not ere long find itself quite aground in this country from the perfidy, baseness, & deception of its own servants, I have entirely lost what little judgment I may have had, & will thenceforth acknowledge myself to be no other than a mere dreeming idiot. D<sup>r</sup> Sir, I am

Sincerely yours.

THO<sup>W</sup> WHATLEY, Esq.

J. TEMPLE.

Memorandum.\* About this time (1768) M<sup>r</sup> Temple discovered that M<sup>r</sup> Hutchinson, in consequence of having been informed of the paragraph in Whatley's letter of 18 May, 1765,† (wherin he expresses his wishes for an acquaintance with that gentleman) had open'd a correspondence with him, that Mess<sup>rs</sup> Oliver, Paxton, & Rogers also corresponded with him, as well as Moffatt, Howard, & Ingersoll, all of whom M<sup>r</sup> Temple consider'd as closely united in sentiment on the state of affairs in North America, and most of them under the lead or influence of Sir Francis Bernard. M<sup>r</sup> Temple at the same time entertain'd not even the least doubt that the representations from those gentlemen were almost directly opposite to such as he should have made, had he continued writing on the subject; and considering also at the same time *the uncommon address* of some of the gentlemen would be rather too much for his friend Whatley (a very worthy, honest man,

\* This memorandum, which is in Mr. Temple's handwriting, was filed with the foregoing letter. It is on a separate paper, and was evidently written at a much later period. — EDS.

† See *ante*, p. 55. — EDS.

but not possessed of the largest share of penetration to see into the designs of men, and almost absorbed in *a passion*, if it might be so called, for American taxation, & for every artfull sycophant that encouraged and applauded the measure) M<sup>r</sup> Temple declined any further correspondence on the subject; nor did he ever that he recollects write M<sup>r</sup> Whatley another line (though he remain'd two years after in America) till his arrival in England, of which neglect he, M<sup>r</sup> Whatley, very greatly complain'd in his letters to M<sup>r</sup> Temple's brother with whom he kept on a correspondence.

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#### SAMUEL DANFORTH\* TO WILLIAM BOLLAN.

BOSTON, December 5<sup>th</sup>, 1768.

WILLIAM BOLLAN, Esq<sup>r</sup>, S<sup>r</sup>, — The Council having heretofore experienced your abilities and good disposition to serve the Province, and being assured of your readiness still to render it all the service in your power, I am desired by such of them as could convene upon the occasion to send you their petitions to the two Houses of Parliament, praying for the repeal of the several acts for raising a revenue in America, and to request the favor you will procure them to be laid before the Lords and Commons as soon as may be, according to their respective directions, and to use your best endeavours that the prayer of them may be answered.

What lead to this measure, it is needful you should be informed of. The Council at the last session of the Gen<sup>l</sup>

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\* Samuel Danforth, son of Rev. John Danforth, of Dorchester, was born there Nov. 12, 1696, graduated at Harvard College in 1715, and died in Boston Oct. 27, 1777. He was a selectman of Cambridge 1733-1738 and a Representative for a part of the same period. From 1739 to 1774 he was one of the Council of Massachusetts; and in the latter year he was named a Mandamus Councillor, but was induced to resign by the popular opposition. He was also Register of Probate for his county, 1731-1745; Judge of Probate, 1745-1775; and Judge of the Court of Common Pleas, 1741-1775. See Paige's Hist. of Cambridge, pp. 531, 532. — EDS.

Court thought it necessary to petition his Majesty on the subject of the said acts, but were not able to complete their design in their legislative capacity by reason of the dissolution of the General Court. They, however, at a Board of Council afterwards, viz<sup>t</sup>, in July last, agreed on a petition to the King, and desired Governor Bernard to send it to Lord Hillsborough, to be laid before his Majesty, and at the same time requested the Governor to recommend the prayer of it.\* This petition was sent accordingly with a letter from the Governor; Lord Hillsborough in answer to said letter writes the Governor, 14<sup>th</sup> of Septem<sup>r</sup>, that his Majesty received the petition very graciously, and that it would together with the Governor's reasonings thereon be taken into consideration. The Council, imagining from a paragraph of the Governor's said letter a few days ago communicated to them that the prayer of their petition might be misapprehended, thought it necessary the two Houses of Parliament should be petitioned on the same subject. Accordingly such Gentlemen of the Council as could with convenience assemble have agreed on a petition to the House of Lords & another to the House of Commons, and have desired me to sign them in their behalf, and to transmit them to you to be presented as above mentioned. As the Governor declined giving his consent for petitioning, it occasions the petitions being in the name of the major part of the Council only; the other members being too remote to be convened seasonably. They were, however, unanimously at the last session of the General Court for petitioning the Lords and Commons as well as his Majesty, but were prevented by the dissolution of the Court; and the Council would have petitioned them last July when they petitioned the King, but Governor Bernard not consenting it was dropt. They may, therefore, be justly consid-

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\* See *ante*, pp. 93-99. — Eds.

ered as unanimous in the petitions now sent to you, which differ in nothing essential from the petition to the King.

There is a variation, however, in the prayer of these last petitions, which is expressly for the repeal of the several American revenue acts; but in that to his Majesty the prayer runs thus, "And if it should appear to your Majesty that it is not for the benefit of Great Britain and her Colonies that any revenue should be *drawn* from the Colonies, we humbly implore your Majesty's gracious recommendation to Parliament that your American subjects may be relieved from the operation of the several acts made for that purpose, in such manner as to the wisdom of your Majesty and Parliament may seem proper."

The Council intended it should be understood to pray for the repeal of the aforesaid acts; but as in the Governor's letter abovementioned it was introduced in such a way as to make it doubtful from the word *drawn* whether the Council did not intend to acquiesce in the said acts and only prayed that the revenue money arising from said acts might not be *drawn* from or sent out of America to Great Britain, it became necessary that in the petitions now sent the repeal of those acts should be prayed for in the most explicit manner.

From your several publications and the great pains you have taken on the subject of American affairs, the petitioners have the highest confidence that your best abilities will be exerted to procure success to their petitions, on which the true interest of Great Britain and that of the Colonies so essentially depend. I am with great respect, S<sup>r</sup>,

Your most obed<sup>t</sup> hble. serv<sup>t</sup>.

(Signed)

SAMUEL DANFORTH.

Indorsed by James Bowdoin: "Copy of a letter sent to W<sup>m</sup> Bollan, Esq<sup>r</sup>, in Henrietta Street, London, with petitions of the Council to the Lords & Commons, signed by M<sup>r</sup> Danforth, President of Council, Decr 5, 1768."

JOHN WINTHROP\* TO JAMES BOWDOIN.

CAMBRIDGE, 18 January, 1769.

SIR, — As you were so good as to use your influence in procuring an observation of the last transit of Venus to be made in North America, I take the liberty of applying to you on account of the next. This next will be much more suitable than the last was in the grand problem of determining the sun's parallax & distance, for reasons which I cannot now stay to explane, but may perhaps do it on some other occasion. But for settling this delicate point in the most unexceptionable manner, and with the greatest certainty, 'tis extreamely important to have as many observations as we can, of the whole duration of the transit. Most places will admit of observations only of the beginning or end ; and both these phases, and so the whole duration, can be seen nowhere but in the great South Sea, and in the most northern parts of Lapland, Russia, Siberia & North America. The government at home have sent observers to the South Sea, & 'tis said the Czarina has sent 8 companies to the northern parts of her empire. With us the end will not happen till above an hour after sunset, and the nearest place at which it can be observed is Lake Superior. On this occasion I beg leave to lay before you an extract of a letter I lately received from our worthy countryman Dr Franklin.

“ M<sup>r</sup> Maskelyne (Astronomer Royal at Greenwich) wishes much that some of the governments in North America would send an astronomer to Lake Superior to

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\* John Winthrop, son of Chief Justice Adam Winthrop, was born in Boston Dec. 19, 1714, graduated at Harvard College in 1732, and died in Cambridge, May 3, 1779. He was for more than forty years, from 1738 until his death, Professor of Mathematics and Natural Philosophy in the College; and in this capacity he acquired a high reputation as a teacher and investigator. He also took a considerable part in public affairs, was Judge of Probate for Middlesex County, and in 1773-4 a member of the Council of Massachusetts. (See Appleton's Cyclopaedia of American Biography, vol. vi. p. 575.) For a correspondence between him and John Adams, mainly on public affairs, see 5 Mass. Hist. Coll., vol. iv. pp. 289-313.—EDS.

observe this transit. I know no one of them likely to have a spirit for such an undertaking unless it be the Massachusetts, or that have a person & instruments suitable. He presents you with one of his pamphlets, which I now send you, together with two letters from him to me, relating to that observation. If your health & strength were sufficient for such an expedition, I should be glad to hear you had undertaken it. Possibly you may have an *élève* that is capable. The fitting you out to observe the former transit was a public act for the benefit of science that did your Province great honor." Thus, Dr. F.

"Twould be a great pity to lose so critical an opportunity, which cannot return in above 100 years to come. It will not be difficult to find persons that would undertake the expedition, if any method can be found to defray the expence. M<sup>r</sup> Danforth,\* our late Tutor, appears quite willing to engage in it, and I know of no body better qualified for it. He is young, of a firm constitution, and of a resolute spirit that would not be baffled by any difficulties in the way, and has already so much knowledge in astronomy that he may in a short time be shown how to make all the requisit observations in a proper manner. M<sup>r</sup> Chadwick, who has been employed by this government to measure the roads from Boston to Albany, and has travell'd across the country from Penobscot to Canada, and made a map of it, is also willing, and would be a very proper person to accompany M<sup>r</sup> Danforth. It would be best to join one or two others with them as assistants, and for fear of accidents.

Their journey may be productive of great advantages; besides the transit they may make many other useful observations, such as exploring the unknown parts about

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\* Thomas Danforth, son of Hon. Samuel Danforth, was born in Cambridge, Sept. 1, 1744, graduated at Harvard College in 1762, went to Halifax in 1776, and died in London, March 6, 1820.—EDS.

the Lakes, ascertaining the longitude & latitude, not only of their astronomical observatory, but (the latitude at least) of the several forts they may stop at, and thereby rectifying the geography and correcting the maps of this country, which are at present so imperfect & so different that there is no knowing which to depend upon, or which to prefer. For instance, I find Popple's map & Huske's differ about 5 degrees in the longitude of Mishillimakinac, and as much in the longitude of St Michael in Lake Superior, & 2 degrees in the latitude. They may also observe the variation of the needle whenever they make any stop; a point of great consequence, as it may affect both private property and the divisional lines between the several governments. They may also probably make some useful discoveries that we have no idea of at present.

It is not for me to point out any particular method for promoting such an expedition. We can have no General Court, but if the Govr. would interest himself in the matter, perhaps he might find some way to set it on foot; or perhaps if you & Govr. Temple will use your interest with Gen. Gage, he may be induced to countenance the affair with his authority. I suppose there is no doubt but that a convoy of stores will be sent up to the western forts early in the spring; and if our observers might be allowed to go under the convoy, with the General's order to the commanders of the several forts & vessels on the Lakes to be aiding & assisting, the thing might be accomplished without any great expence; and such services as those above mentioned, I should think, could not fail of being agreeable to the Ministry, who always appear desirous of gaining the most exact information in every particular relating to the Colonies. Or perhaps — but your own invention will suggest better than I can all the practicable methods that can be thought of for this purpose; & I persuade myself your love of the sciences is such as will

prompt you to exert all your powers in so capital an undertaking. With great esteem & respect, I am, Sir,

Your most obedient humble servant.

JOHN WINTHROP.

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JAMES BOWDOIN TO THOMAS GAGE.

BOSTON, Jan<sup>ry</sup> 23, 1769.

S<sup>r</sup>, — As y<sup>r</sup> Exc<sup>y</sup> is a friend to science any opportunity to promote it, I am persuaded, will give you pleasure. I beg leave to inform y<sup>r</sup> Exc<sup>y</sup> that M<sup>r</sup> Winthrop, Professor of Mathematics & Natural Philosophy at our College at Cambridge (a very ingenious gentleman) has rec<sup>d</sup> letters from Dr Franklin & M<sup>r</sup> Maskelyne, on the subject of the transit of Venus across the Sun, which it is expected will happen on the 3<sup>d</sup> of June next; and those gentlemen & others in England, &c., are very desirous it should be accurately observed in North America. As the end of the transit cannot be observed at any place nearer than Lake Superior, it is much to be wished that suitable persons with proper instruments could be there to make the observation. M<sup>r</sup> Winthrop informs me, by the letter which I have the honor of communicating to you, that it would not be difficult to procure proper persons for this expedition, if under your Exc<sup>y</sup>'s authority they could have the aid and assistance of the commanders of the several forts & vessels on the lakes. If this undertaking, which may answer other valuable purposes than observing the transit, should meet with y<sup>r</sup> Exc<sup>y</sup>'s approbation the undertakers would think themselves happy under your patronage. I have the honor to be, w<sup>th</sup> great regard,

Y<sup>r</sup> Exc<sup>y</sup>'s most obed<sup>t</sup>, hble. serv<sup>t</sup>.

HIS EXC<sup>r</sup> Tho<sup>s</sup> GAGE, Esq<sup>s</sup>, GEN<sup>t</sup>, &c., at New York.

## JAMES BOWDOIN TO JOHN WINTHROP.

BOSTON, Jan<sup>ry</sup> 23, 1769.

S<sup>r</sup>, — By this day's post I writ to Gen<sup>l</sup> Gage on the subject of the letter you honored me with, & sent him the letter inclosed in mine. His answer shall be communicated to you as soon as I receive it. As the purposes which may be answered by such an undertak<sup>g</sup> (beside observing the transit) are so useful and of such public concernment, I have hopes the Gen<sup>l</sup> will make the expence of it a contingency within his own department. It will be best, however, to be provided w<sup>th</sup> an estimate of the expence, that other means may be looked for to defray it in case the Gen<sup>l</sup> cannot. I am, S<sup>r</sup>,

Y<sup>rs</sup>, &c.

## THOMAS GAGE TO JAMES BOWDOIN.

NEW YORK, Jan<sup>ry</sup> 30<sup>th</sup>, 1769.

SIR, — I have received your favor of 23<sup>d</sup> inst<sup>t</sup>, with a letter to you from M<sup>r</sup> Winthrop, Professor of Mathe-maticks at Cambridge, on the subject of sending some persons skilled in astronomy to Lake Superior to observe the transit of Venus. The gentlemen who shall be em-ployed in this business may get to Missilimakinac from Montreal by way of the Ottawa River with the traders, who generally set out from Montreal the beginning of May, or may go by Oswego, Niagara, and Detroit. Whichever of these routes they may determine upon, they may be assured of all the assistance in my power to afford them.

I think it would be proper they should touch at Missili-makinac, which is the farthest post we have in the upper country, as the commander of that post will be able to procure them an interpreter, and perhaps engage some

Indians of Lake Superior to accompany them, and it would be likewise very proper that the commander should give notice to the nations residing on the above lake of the intention & design of the observers in going into their country, for they are very jealous at the sight of instruments, which they conceive of use only to survey lands, and will immediately suspect us of designs upon their lands, unless matters are clearly explained to them.

When I am informed what the observers shall determine upon respecting their operations, I shall not fail to provide them with the necessary letters and passes. Some gentlemen from Philadelphia made application to me some months ago, concerning the like intentions of sending some astronomers from that province to Lake Superior to observe the transit of Venus. Perhaps they would be glad to join those from Boston.

Permit me to enquire after M<sup>r</sup>s Bowdoin and the rest of your family, to whom I beg leave to send my best respects.  
I am, Sir,

Your most obedient humble servant.

THO<sup>s</sup> GAGE.

HON<sup>BLE</sup> JAMES BOWDOIN.

WILLIAM BOLLAN TO SAMUEL DANFORTH.

HENRIETTA STREET Jan<sup>ry</sup> 30<sup>th</sup>, 1769.

SIR,— Having on the 16<sup>th</sup> inst<sup>t</sup> received your favour inclosing petitions of the major part of the Council of the Province to the Lords & Commons, desiring their presentation, with my endeavours for their success, I have applied myself with diligence to this hard service. In order to a right understanding of the present state of your affairs, I must observe that on the 15<sup>th</sup> day of last month the Lords came to certain resolutions, whereby they censured the Council & Representatives of the Province, and the civil magistrates & inhabitants of

Boston for several causes, and grafted them on an address to the King, which supposes that the subjects in the Colonies are liable to be taken from their proper domicil & brought into England & there tried for treason or misprision of treason. The resolutions & address were afterwards sent down to the Commons for their concurrence. Being at this time closely engaged in a difficult & laborious work, I had no knowledge of this business til some days after its transaction. On being inform'd of it, as the resolutions & address were not inserted in the votes of the House of Commons, and copies of them cou'd not be had otherwise than by or under the authority of a member, I desired the favour of a principal member, & one of your best friends, with whom I had before concerted measures for your service, to get me proper office copies. He bespoke them with intent that I shou'd have them before he went out of town, upon the recess of both Houses; but he did no[t] receive them til they came to hand at his seat in the country, whence he sent them, desiring me to consider them well & send him my thoughts upon them, which I did accordingly. The reading of them gave me great surprise & concern, and the more I considered them, together with the temper of the times, the more my concern increased. I was a long time much at a loss what to do for the advancement of the common cause; at length as no man loses his domicil by going abroad in public service, I determined by petition, as an inhabitant of Boston, tho' residing here, to prevent, if possible, the concurrence of the House of Commons, and was busy in preparations relative to this petition when I had the honour to receive your letter. That House was adjourned to the 19<sup>th</sup> inst<sup>t</sup>, & American affairs stood appointed for consideration on the 23<sup>d</sup>, when your petition was intended to have been presented by Mr Beckford, but by a singular event he was prevented. On

the 25<sup>th</sup>, after Gov<sup>r</sup> Bernard's, Gen<sup>l</sup> Gage's & Commodore Hood's letters, which on motion made on behalf of the Colonies had been on the 20<sup>th</sup> brought in & laid upon the table, were read, he presented it; & on his behalf Mr Ald<sup>a</sup> Trecothick read it with such an audible voice that it is supposed every member in the House clearly understood it, and being objected to a debate ensued, wherein the petition was nobly supported by divers worthy members. The chief objections, I am told, for I was not, as formerly, admited into any part of the House, were that no Council could be convened without the Governour's order, and that by the constitution of the Colony there cou'd be no President of the Council, unless when there was no Governour or Lieut<sup>t</sup> Govern<sup>r</sup>; in answer whereto, I am inform'd, it was said that in the present great distress of the Province no Assembly was called, & no Council convened from time to time with liberty to defend upon the present great occasion the rights & interest of the Province; and that the objections to your petition, instead of being founded on the principles of natural justice, equity, & the constitution of the kingdom, rested in a good measure on the representations of Gov<sup>r</sup> Bernard, the copies of whose letters I have so lately received that I know not of their contents, but without opening send them to you as I received them,\* in order to your receiving further information for your future guideance than I can otherwise give you. Upon a large debate, I understand, several ministerial persons were inclined to admit your petition, & it was at last without any division received & laid upon the table, whereupon a motion was made that it should

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\* These letters were printed in Boston in a newspaper extra shortly after they were received here, and also in a pamphlet, presumably by Edes & Gill, though the pamphlet has no imprint. A second pamphlet containing additional letters and documents was printed by Edes & Gill by order of the House of Representatives a few months afterward; and "A Third Extraordinary Budget" was published near the close of the year. Copies of all three pamphlets are in the library of the Historical Society.—EDS.

be referred together with the other papers to a committee of the whole House. Upon this a new debate ensued with a consequent division, whereon, I am told, the number for referring it was 70, & the number against it 133. On the next day my own petition, a copy whereof you have inclosed, after my waiting on the Speaker & his reading & commending it in some respects, was presented by Sir George Saville, who in the opening read the whole of it, and which in the course of the ensuing debates was well supported by several intelligent, respectable & public spirited persons, insomuch that, altho' I believe this petition was more disliked by the adminis<sup>n</sup> than yours, because it more directly opposed their present measures, after a sharp debate upon a division, a greater minority, as I am informed, appeared in my favour than has appear'd at any time in the present Parliam<sup>t</sup> against the adminis<sup>n</sup>, to wit, 105, or as more accurate persons say, 107 (two who came out of the House with the others coming in after the numbers were declared) against 136. Pray, don't mistake me. This advance was owing to the goodness of your cause, rather than to my abilities. After rejecting my petition, the House was resolved into a committee, and the debate at large coming on, your cause was defended with arguments so forcible, & a spirit so noble, that it is impossible for me in my great hurry to do justice in any tolerable degree to the parties concern'd; but at 4 o'clock in the morning, the admin<sup>n</sup> carried their point by 150 against 90 upon a division. The report is to be made four days hence, when another great debate will come on, & new matter be advanced, and tomorrow, when a full House is expected, a motion will be made respecting the accompts of the revenue raised in America at so great expense various ways, which have not yet been brought in, according to order given upon motion made some time past.

Your petition is the first that has been received since introducing the new system of governm<sup>t</sup> for America. One that came from Philadelphia, I am told, was offer'd some time ago, but withdrawn, at the proposal of the Chan<sup>r</sup> of the Excheq<sup>r</sup>, to be presented some other time, & I have since heard nothing of it. Having this moment received a copy of Gen<sup>l</sup> Gage's letter, which a principal member tells me contains some important matter, I send it inclosed.

I am, with the greatest respect for all the members of the Council, Sir,

Your most obed<sup>t</sup> humble serv<sup>t</sup>.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, ESQ<sup>R</sup>.

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PETITION OF WILLIAM BOLLAN TO THE HOUSE OF  
COMMONS.

TO THE HON<sup>BLE</sup> THE COMONS OF GREAT BRITAIN IN PARLIAMENT  
ASSEMBLED:

The petition of W<sup>m</sup> Bollan, Esq<sup>r</sup>, Agent for the Council of the Province of Massachusetts Bay in New England, most humbly sheweth,

That the English American Colonies were deduced & planted by the adventurers & settlers at their expense in foreign inhospitable lands acquired by their vigorous efforts, made under the authority of their princes, granted with the encouragement proper for this spirited & noble enterprize.

That the several princes by whose authority the Colonies were establish'd, and the numerous nobles, & other worthy persons, of whom several were men of the greatest accomplishments, endued with the wisdom proper for obtaining & preserving empire, by whose advice, aid & concurrence they were undertaken & advanced,

were so far from understanding that the adventurers & settlers who by their travail, expenses, labours, & dangers should enlarge the public domin<sup>n</sup> should thereby, contrary to natural justice, lessen their public liberties; that from the many letters pat<sup>t</sup> royal made & pass'd for obtaining & regulating new domin<sup>n</sup>, and the whole history of their settlement, it manifestly appears it was the intent of all parties that the settlers & their posterity shou'd enjoy the same, whereupon they became adventurers, and inspirited by their confidence herein, with their long & quiet enjoyment of their public rights, overcoming difficulties, perils, & hardships inexpressible & innumerable, they raised the King's American empire out of a dreary and dangerous wilderness with so great & continual encrease of commerce that of late years it hath given employment unto two thirds of the British shiping, with a comfortable support to no small part of the inhabitants of Great Britain, and great addition to the dignity & strength of its naval empire.

That by the stat. law of this kingdom it is clearly supposed & in effect fully declared that the Colonists were well entitled to the English right and the lands they inhabit free.

That the acta regia of Queen Elizabeth & her successors whereby the aquests of new domin<sup>n</sup> were made & establish'd, and security given to the adventurers, planters, & their descendants, of the perpetual enjoyment of their public liberties, having, as your petit<sup>r</sup> presumes, never been laid before this Hon<sup>ble</sup> House, nor the Colonies ever yet had an opportunity to ascertain & defend their invaluable rights, and the Hon<sup>ble</sup> House, as your petit<sup>r</sup> is advised, now having under their consideration the state of the Northern Colonies,

Your petitioner humbly prays that he may be admited to appear & lay before this Hon<sup>ble</sup> House authentic copies of the proper acta regia, and to support the matters

herein contained in a manner suitable to their nature, and to the inclinations of this Hon<sup>ble</sup> House.

W. BOLLAN.

(Copy.)

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JOHN WINTHROP TO JAMES BOWDOIN.

CAMBRIDGE, Febr<sup>y</sup> 27, 1769.

SIR,— Your favor of the 25<sup>th</sup> came to my house when I was out of town, so could not answer it by the bearer. When I recd. from the Gov'r the vote of Council passed upon your motion I was much surprised to find that I was desired to go upon this expedition,—a thing I never once thought of, nor can I possibly undertake it. I should indeed do it with the utmost pleasure if my state of health would admit of it, which I am sure it will not. But Mr Danforth may soon be shewn how to make the observations properly, & I shall be very ready to give him all the assistance in my power. The instruments necessary are, 1st. A good clock. I suppose he will readily be allow'd to take that which I carryd to Newfoundland. 2ly. A good quadrant,—an astronomic one if to be had: otherwise a Hadley's quadrant might serve. I have heard that Mr Harrison, the Collector, has got an astronomical one, which he might probably be willing to lend upon such an occasion. If this should fail, a Hadley's quadrant may easily be got. 3ly. A good reflecting telescope. I suppose one may be bor- rowd in Boston. I should think some gent<sup>n</sup> who may own one would not be averse to lending it. It would be best to have also as good a refracting telescope as can be got, in order to accommodate two observers, both of the transit & of Jupiter's satellites, for ascertaining the longitude. There is one belonging to the College of 8 feet in length which no doubt may be had, but if a longer could be procured it would be better. Soon after the College

was burnt M<sup>r</sup> Edm<sup>d</sup> Quincy, Junr, offerd to sell one of 12 feet in length, as I remember. If this could be had, or another of about that length, especially in a sliding tube (for the convenience of carriage) it would do better. These are all the instruments necessary for the principal observations. But for others which may be of great use, they may have here a barometer, by which may be determin'd the real hight of the lakes above the level of the sea; a thermometer to compare that climate with ours,—instruments which perhaps were never seen in that upper country; and a compass to observe the variation of the needle.

As Mr. Hancock is waiting for the letter I have only time to add that Mr. Danforth is in hopes Mr. Willard will accompany him with the leave of the Overseers & Corporation, & that Mr. Sewall will take care of his class. He also expects Dr. Cobb, of Taunton, an ingenious young gent<sup>a</sup>, who is now a Senior Bachelor, & Mr. Chadwick, who has been employ'd by the governm<sup>t</sup> in exploring & measuring the country. These four are the whole company that is propos'd to go. I have talk'd with Mr. Rand, a young man who is well acquainted with the country about the lakes, & is now setting out upon a journey thither. He thinks the sooner they set out for Albany the better; & that it would tend very much to insure success if the General could beforehand send up orders to the commanders of the King's vessels on the lakes to be in readiness to transport the company from Oswego to Niagara, & from thence directly to Missili-mackinaw. But, will it be best to write to the General for such orders till the Council have finally settled the matter? I am not qualify'd to make any estimate of the expence. Commodore Loring can very probably do it. I had not the pleasure of seeing him last Saturday. With much respect, I am, Sir,

Y<sup>r</sup> most obed<sup>t</sup> serv<sup>t</sup>.

J. WINTHROP.

## JAMES BOWDOIN TO THOMAS GAGE.

BOSTON, Feby 26<sup>th</sup>, 1769.

S<sup>r</sup>.—The letter of the 30<sup>th</sup> ult<sup>o</sup>, with which y<sup>r</sup> Exc<sup>y</sup> hon<sup>d</sup> me, I coñunicated to M<sup>r</sup> Winthrop & the others concerned. They are much obliged to y<sup>r</sup> Ex<sup>c</sup>y for assuring them of all the assistance in your power & that you will provide them with the necessary letters & passes. They purpose to go by the way of Albany, Oswego, Niagara & Detroit, and hope to receive the letters & passes and also your instructions either here or at Albany, for which place they will be ready to set out from hence by the 12<sup>th</sup> of March, and will proceed as soon as they can hear from your Excellency. It being necessary they should be on Lake Superior some days before the Transit, y<sup>r</sup> Exc<sup>y</sup> will perceive how essential it is they should have all the dispatch possible at the several posts. What you are pleased to mention to prevent or remove the jealousy of the Indians is a most necessary measure.

The party will consist of four,—M<sup>r</sup> Danforth and three assistants. It was hoped M<sup>r</sup> Winthrop would go himself, but his health will probably not permit him. They will be very glad to join with the gentlemen from Philadelphia. In case there be two parties, M<sup>r</sup> Winthrop thinks it w<sup>d</sup> be best when they get to Lake Sup<sup>r</sup> they should seperate at as great a distance as may be on the Lake, in order that if the sun should be obscured by clouds from one, the other may have a chance of making the observation. The going of this party will depend on the Gov<sup>r</sup> & Council making provision for them, of which (from their approbation of the proposal as soon as made to them the last week, w<sup>ch</sup> was as soon as it could be after the rec<sup>t</sup> of y<sup>r</sup> letter) there is the highest probability. They referd for several reasons the determination thereon till next Wednesday. By the Thursday post I shall let y<sup>r</sup> Exc<sup>y</sup> know what their determination is. In the mean

time I thought it needful you should be informed in what situation this matter is, that such measures may be taken as yr Exc<sup>y</sup> may think the shortness of the time makes immediately necessary. I have this moment rec<sup>d</sup> a letter from Mr Winthrop in which he says, "it will tend very much to insure success if the General could beforehand send up orders to the command<sup>rs</sup> of the King's vessels on the Lakes to be in readiness to transport the company from Oswego to Niagara, & from thence directly to Missilimakinac." M<sup>rs</sup> Bowdoin joins me in the most respectful compliments to yr Exc<sup>y</sup> & yr lady. I am, &c.

March 1, 1769.

S<sup>r</sup>. — By last Monday's post I informed yr Exc<sup>y</sup>, it was probable the Gov<sup>r</sup> & Council w<sup>d</sup> make provision to enable Mr Danforth, &c., to go to Lake Superior; but this day having again considered the affair they found themselves unauthorized to engage in it, & therefore it must drop, unless yr Exc<sup>y</sup> sh<sup>d</sup> think proper to undertake it in behalf of the Crown, about which Gov<sup>r</sup> Bernard told me he would write to yr Exc<sup>y</sup> by to-morrow's post. I am sorry for the trouble this affair has occasioned yr Exc<sup>y</sup>, & am most respectfully, S<sup>r</sup>,

Y<sup>rs</sup>, &c.

March 27, 1769.

S<sup>r</sup>. — Agreeable to yr Exc<sup>y</sup>'s proposal in your letter of the 13<sup>th</sup> a subscription would have taken place but the indisposition of the principal undertaker and shortness of the time, w<sup>ch</sup> will not permit another to prepare himself, would have rendered it of no avail. It is probable the Transit will be observed at Cambridge with all the advantage the situation of that place will admit, and it is hoped it will be accurately observed at New York and Philadelphia. M<sup>rs</sup> Bowdoin, Mr & M<sup>rs</sup> Temple join with me in regards to yr Exc<sup>y</sup> & lady. I am. S<sup>r</sup>, Y<sup>rs</sup>, &c.

## WILLIAM BOLLAN TO SAMUEL DANFORTH.

HENRIETTA STREET, March 18<sup>th</sup>, 1769.

SIR,— On the 15<sup>th</sup> inst<sup>t</sup> when the American mutiny bill was moved in the House of Comons, the Se~~c~~ry at War mention'd a clause which he had prepared for providing that in case the civil magistrate shou'd not quarter the troops according to the act, the co~~m~~missary shou'd be enabled to quarter them upon private houses. This proposal being disrelish'd by many, the Chanc<sup>r</sup> of the Exchequer declared he had not been acquainted with it, & desired the Se~~c~~ry at War to withdraw it, tho' two of the most intelligent members have told me they were persuaded that this measure was concerted by the Ministers, in order to be avow'd or disclaim'd as they shou'd find it relish'd or disrelish'd by the House, & that the proposal was artfully made in subservience to this design. When first inform'd of this affair by one of these gentlemen I ask'd, who was to judge of the civil magistrate's defect, to which he answer'd, the military. It is needless to mention the observation thereupon made, that when once the military are appointed judges over the civil powers the game is at an end. Both these gentlemen suppose that no future motion will be made for introducing this clause.

The representation of New York to the House of Comons was presented this week by M<sup>r</sup> Trecothick & rejected. He was seconded by M<sup>r</sup> Beckford, who says that he did his utmost, after it had been read in the motion, to have it brought up & laid upon the table, so that it might be publish'd in the votes, as your petition had been. M<sup>r</sup> Trecothick having shew'd it me last week, when it was intended to have been presented, I found the whole matter was couch'd in very decent terms, & granted all the powers of governm<sup>t</sup> that cou'd be desired, save that

of taking money out of their pockets, & for which it was deem'd inadmissible.

Some considerable time past, when virtual representation was contended for, a man of great character desired my opinion upon the point of taxation. After observing that any pretended representation of the Commons in the Colonies by men chosen by the Commons of Great Britain was in my mind void of common sense & common justice, I declined giving the opinion desired as I had not then fully consider'd the matter. On subsequent consideration it appear'd that the monies raised on the people of Great Britain originate in the free gift of the Commons, & that the subsequent taxation by the whole legislative authority is only the means of enforcing the gift, and that it was incompatible with the nature of such gift & with the immutable nature of things for the British Commons to make a free gift of the money of a free people in another quarter of the world. from whom they have no delegated authority. The knights, citizens, & burgesses of Great Britain in Parliament give & grant their own money, together with the money of the other British Commons ; but the gift of the money of the Colonists is made in exoneration of both.

The ministers, I understand, are desirous of concluding the dispute with the Colonists, for the present at least, in their own way, and at different times it has been said they wou'd promote a repeal in case the Colonies wou'd petition for it on the foot of inexpediency. relinquishing or waving their claim of exemption from taxation ; whether by waving they mean a temporary or perpetual relinquishment, or none at all, I leave to your judgment, & likewise whether they intend such a palliative as may prevent the stagnation of trade which they fear, & possibly regard more than your welfare, and whereby they may gain time to carry on other designs. If a perpetual & satisfactory settlement be intended, and per-

petual, I conceive, it cannot be without being satisfactory, it appears strange that they shou'd proceed to hang a rod over you, by searching after traitors in order to their transportation & trial here, when there was no treason existing, as what appears not is not, & behave so disagreeably other ways. If your petition for a repeal, without mention of taxation does not imply a relinquishment of your claim, then their repeal on the grounds of inexpediency wou'd not imply a relinquishment of the power of taxing; and I have observed that they who begin a mischief shou'd begin the reformation of it. This proceeding supposes that no relief can be had this session. One of the British members has mention'd as an healing expedient that the government shou'd reserve the power of taxing, but after determining the quota leave the raising to the Colonies. How far this wou'd change the med'cine farther than gilding the pill, I leave to you. What motions or measures will take place after the holidays it is impossible for me to say. I am with great respect, Sir,

Your most obedient humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, Esq<sup>R</sup>.

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WILLIAM BOLLAN TO SAMUEL DANFORTH.

HENRIETTA STREET, March 23<sup>d</sup>, 1769.

SIR, — Capt<sup>n</sup> Coleman not having taken his bag yesterday, according to appointment, I desire leave to trouble you so much farther as to observe that, if my memory does not deceive me, on your taking Cape Breton in 1745, the Duke of Newcastle, Secretary of State, in pursuance of the late King's order, by letter to Gov<sup>r</sup> Shirley declared that his Majesty highly approved of your conduct and gave assurance of his royal favour to the Province with direction that this, or what was written to this effect, should be communicated to the Gen<sup>l</sup> Court, and that the

same was communicated accordingly. The present state of the times & parties is such that it is difficult to take any step relative to the interest of the Colonies, after making the most circumspect observations of what concerns them ; but my present purpose being to write & publish as soon as convenience & propriety will admit *some farther account of the establishment, rights and merits of the Colonies*, I desire that you will be pleased to send me an authentic copy of what was communicated to the General Assembly on this great occasion, which may serve for this or some other beneficial purpose.

Upon presenting my petition several worthy persons, friends of the Colonies, desired it might be publish'd, and one of them offer'd to undertake the publication, in case I would consent to it, which I believe I should have done, if the care of your depending petition had not render'd the prudence & propriety of it doubtful, and this gentleman has lately said that as the publication had been so long delay'd, and the petition wou'd without question be printed in America, it was now best to wait for that, & reprint it here which he intended.

The American mutiny bill has pass'd both Houses, & will receive the royal assent to-day, without the clause for provisional quartering of soldiers upon private houses, which has not been moved a second time ; other clauses have been brought in, of which two pass'd that favour'd those Colonies whose laws received the royal sanction, one being brought in by M<sup>r</sup> Pownal, & the other by M<sup>r</sup> Garth. I am this instant come from the House of Commons, where the two clauses were read to me by one of the clerks, but in so great hurry, as the royal assent is to be given within half an hour, that I cannot be more particular, but must conclude to save the ship, and am with great respect, Sir,

Your most obedient humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sup>TE</sup> DANFORTH, ESQ<sup>R</sup>.

## WILLIAM BOLLAN TO SAMUEL DANFORTH.

HENRIETTA STREET, April 22<sup>d</sup>, 1769.

SIR, — Since the recess of Parliament, as well as before, proposals have been mention'd for partial repeal & qualification of the measures which are so grievous to the Colonies. I understood from a principal member, & one of your chief friends, that Mr Pownal mention'd a proceeding of this kind to him, who answer'd, this tended to rivet the chains upon the Colonists, that he wou'd oppose it if made, but would second a motion for general relief, and that Mr Pownal afterwards enlarged his idea, & declared he wou'd make a motion in the House on Wednesday last, whereupon I drew up & settled with Mr Bridgen, a merchant in the city, who undertook the publication, a card that was published that morning, whereof you have a copy inclosed. Before the intended motion was consider'd in the House I was well apprized of its intended rejection by the Ministry, with their manner of doing it. However, attending in the House to hear what pass'd, Mr Pownal moved that the last act shou'd be refer'd for consideration to a committee of the whole House on Monday next, when he would first propose, among other matters, if I understood him aright, that a resolution shou'd pass for repealing this act so far as it imposed duties on British manufactures. It was seconded by Mr Ald<sup>a</sup> Trecothick, and, after another member's speaking in support of the motion, the Chanc<sup>r</sup> of the Exchequer rose up, opposed it, & then moved, as I expected he wou'd, for the order of the day, which you are sensible takes place of other motions. He objected, among other things, to the first motion, that it was made at the close of the session. Considering the importance of the subject, & that Parliaments had at other times sat later than the consideration of it required, this appear'd strange to me. It is impossible to relate all that pass'd. A general sense seem'd to prevail in the

House that this act was improper, yet there were but few who argued for the immediate consideration of it. Colonel Barré proposed a declaration that they wou'd in their next session revise all the American acts pass'd in this King's reign. This seem'd to be opposed with more vehemence than the original motion ; whereupon the proposal was reduced to the act in question ; but this was opposed by the Chanc<sup>r</sup> of the Excheq<sup>r</sup>, who seem'd from first to last determined not to admit any express declaration to be made to the Americans containing any promise of future consideration, and some of the expressions proposed, as it was observed to him, plainly contain'd no promise. Much altercation hereupon ensued, and it seem'd to be the sense of a great part of the House that the matter shou'd certainly be consider'd in their next session, and Sir William Meredith, who is member for Liverpool, declared that he wou'd then move it. M<sup>r</sup> Beckford, who from first to last, was more explicit & determinate for a general repeal than any of the members whom I solicited, after censuring the errors of Ministers, among other things spake to this effect, that he had authority to declare that the Americans had been obliged to pay far more for the duties on paper than were imposed by the act. His first expression was that they had paid double ; the next was that they had paid infinitely more than they ought to have paid, wherein he was gainsaid by nobody, and it having been objected that the combinations of the Americans to avoid the consumption of British manufactures were illegal, he observed that every man doubtless had a right to take such order with respect to the cloathing of his own family as he shall think fit. The design of the Ministers, as far as I could collect it, was to enforce quiet & obedience, with the avoidance of such combinations, in order to the future consideration of the last act ; but the continuance of an act which apparently ought never to have pass'd, by way of distress upon the Colonies, which by its operation will in my

opinion distress this kingdom more than them, is a piece of policy which I cannot comprehend. For my own part I have from first to last urged the necessity & utility of considering the American grievances at large, in order to a general remedy. Upon mentioning to M<sup>r</sup> Beckford a motion for considering the state of America, he said he had already made that motion, and it could not be repeated in the same session. One of the members observed that it would be a very meritorious thing in any man who shou'd devise a proper method of conciliating the differences with the Colonies. There are, I conceive, no two countries in the world better adapted for mutual welfare than Great Britain & British America, and as Ministerial errors were the chief source of the present calamities, I am sorry that they who began the mischief have not been more inclined to begin the reformation of it. I am with great respect, Sir,

Your most obedient humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, Esq.

#### WILLIAM BOLLAN TO SAMUEL DANFORTH.

HENRIETTA STREET, May 6<sup>th</sup>, 1769.

SIR,— Since my last several intelligent persons have told me that the late motion for considering the last American act was Ministerial at bottom. Just before it was made a worthy gentleman, and one of your few sincere friends, who was going into the House, observed to me that the mover was a closet companion of L—— H——,\* considering which, with his fraternal connection,† he had no opinion of the motion. After some doubt, I thought it was proper to mention this matter to you, and

\* Lord Hillsborough, President of the Board of Trade and Plantations. — EDS.

† Governor Pownall's elder brother, John Pownall, was Secretary of the Board of Trade and Plantations. — EDS.

need not say it is improper to be divulged, as thereby it would probably be echoed back disagreeably here. I am, Sir, Your most obedient humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAMUEL DANFORTH, ESQ<sup>R</sup>.

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JAMES BOWDOIN TO THOMAS POWNALL \*.

BOSTON, May 10, 1769.

DEAR SIR,—I take the first opportunity of acknowledging the receipt of your agreeable favor of the 3<sup>d</sup> of Feby.<sup>t</sup> I communicated it to the gent<sup>n</sup> of the Kennebeck Company, and with their best compliments they return you thanks for the explanation you gave to M<sup>r</sup> Goostree of the points on which their cause best rests, and they doubt not it will be very useful to him & the cause. With regard to the operation of this cause in relation to the Province Charter I would observe upon it, that the lawyers of the Company were of opinion the Charter allowed an appeal to the King in Council, as it is mentioned therein to be necessary “that all the King’s subjects should have liberty to appeal to him,” with no other limitation than that it should be “in cases that may deserve the same.” This, they said, included cases of every kind, real, personal, & mixed, and consequently included the Company’s case, which, therefore, in their opinion, must be one of those specially stipulated cases defined in the Charter. What follows in the Charter, they said, was explanatory of what per-

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\* Thomas Pownall was born in Lincoln, England, in 1720 or 1722, and first came to America in October, 1753, as private secretary to Sir Danvers Osborn, Governor of New York. In 1757 he was appointed to succeed Shirley as Governor of Massachusetts, which office he held until June, 1760, when he sailed for England, having been previously appointed Governor of South Carolina, though he never assumed the government. He was for many years a member of Parliament, and a prolific writer on political subjects, mainly connected with the Colonies. He died at Bath, February 25, 1805. See Appleton’s Cyclopaedia of American Biography, vol. v. pp. 99, 100; Dictionary of National Biography, vol. xlvi. pp. 264–268.—EDS.

† Governor Pownall’s letter of Feb. 3, 1769, to which this is the answer, is printed in Proceedings, vol. v. pp. 237, 238.—EDS.

sonal actions an appeal should be allowed in, viz., such "wherein the matter in difference doth exceed the value of £300 st<sup>s</sup>." I have understood it was Mr Pratt's opinion that all the King's subjects have individually an indefeasible right by the English constitution to appeal to him in all cases, and that that right would have remained the same even thô the Charter had in the fullest manner denied an appeal. Besides, it is further said that the Kennebeck grant being made to the Colony of New Plymouth, the bounds of it are properly determinable by the King in the same manner as the bounds of any other Colony, about which there is any dispute. But I do not hold myself responsible for any of these opinions. The fact, however, particularly in Rhode Island, is said to be that frequent appeals are made in land cases from judgments of their Courts to the King in Council, whose judgment is final and carried into execution.

With regard to Ministerial politics as relative to the Colonies, the face of things is gloomy & disagreeable. The measures pursued for some years past have been very prejudicial to both countries. America, however (if at all) will suffer the least of the two ; and in the long run will probably be greatly benefitted by the dispute, which was very impolitely and unnecessarily brought on. It seems to have arisen, if national enemies are out of the question, from a mistaken idea of the ability of the Colonies, in which idea administration was probably encouraged by persons here, who expected to share in the revenue by an increase of salary or appointment to office. But it is a real fact that the Colonies have no money among them that can answer any national purpose of revenue. The money that comes to them thrô the several channels of their trade is sent to Great Britain towards paying the balance continually against them, to which balance all the money on the English part of the continent is not equal. The cry for paper money at New York, and in most of

the Colonies to the southward, and their repeated applications to Parliament to take off the restraint upon them in regard to it, demonstrate there's very little real money among them. The complaint of the want of money has been great here, but the experience we long had of the evils of a paper currency has made us hitherto willing to submit to any inconvenience rather than introduce it again. At present, however, the complaint in some measure subsides, as the new guardians of our liberty and rights scatter with the pox some of their loose money. If money is not to be had from the Colonies, more than what is had in the way of trade, to what purpose is it to continue the present revenue acts or to make any more? The account of the American revenue for 15 months, after deducting the expence of the Board of Commissioners & its appendages, &c., makes a balance, I am told, of not more than £12,000 in favor of the Crown, and the collection of this money has been more distressing to the trade than I could have apprehended, and will be equally distressing whatever name the tax it arises from bears. 'Tis scarcely worth while to dispute about the nature of the tax, whether it shall be an internal or external one, where there is no money to answer any tax. Was the right of Parliament to tax the Colonies acknowledged in the fullest manner, & the Colonists as willing to pay the tax as Parliament to demand it, the right would not be worth six pence to the nation, for the exercise of it would be a detriment to the nation in its trade in a much greater proportion than the revenue would be an advantage to it. It is therefore a national misfortune that the great pains you have taken with Ministry to explain to them the wisdom & necessity of returning to the old practice of laying port duties, not (as I understand you) for the purpose of revenue, but meerly for the regulation of trade, were unsuccessful, at least so far as that althô they adopted your sentiments, they could not be persuaded, on account of

the declarations, riots, & tumults in opposition to acts of Parliament, to adopt the measure you propose.

It is manifest those riots and tumults by the representations that have been given of them have had a strong effect upon Ministry, but they existed only in those representations, excepting what is called the riot of the 10<sup>th</sup> of June.\* This, notwithstanding ye representations of it, was a trifling affair, and was not in opposition to any act of Parliament, but sprung, as you have often heard, from the wickedness of a certain junto here, so that those pretended riots, when truth can gain credit, will no longer be an obstacle to the adoption of your measure. With regard to the declarations, it is certain, that it is the sense of the Province and all the Colonies that Parliament has no right to tax them, and they have declared this sense in repeated resolutions of their respective Assemblies. If indeed the reversal of the Ministerial measures is to depend on the reversal of those declarations it will never take place, and things must take their natural course. How they will end is uncertain. But the tendency of them will be such, & is such already, as that Great Britain in a few years thrô all its members must feel the pernicious effects of the present system of politics, and in consequence of that feeling universally execrate the authors and abettors of it. In the political game now playing off all the chances are against her. She can gain nothing and may lose everything. A late Gov<sup>r</sup> of your acquaintance [S<sup>r</sup> Danvers Osborn] is said to have left on his table the evening of his death this line — *Quem Deus vult perdere prius dementat.*

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\* "Last Friday evening some commotions happened in this town, in which a few windows were broke, and a boat was drawn thro' the streets and burnt on the Common; since which things have been tolerably quiet; it being expected that the cause of this disturbance will be speedily removed." (See The Boston Gazette, June 13, 1768.) The occasion of these "commotions" was the seizure of John Hancock's sloop, the Liberty, for smuggling. The windows of John Williams, the Inspector General, and of Benjamin Hallowell, the Comptroller, were broken; some other officials were roughly handled; and the Collector's pleasure-boat was burned. See Drake's History of Boston, pp. 735, 736.—EDS.

The measure you suggest, if you can effect it, will be a capital one; and (as you observe) may save all from destruction, into which things are running. Your knowledge of this Province in particular and America in general qualifies you to draw a petition that would be agreeable to them, and if at the same time you can frame it so as that it would be received by Parliament and procure the removal of American grievances you will be justly intitled to the first character among the friends of the nation and its Colonies. If this can be done, your abilities & application can effect it, and will be exerted. So far as the success of such a measure may depend on the Assembly here, the co-operation of your friends and the friends of both countries, I am persuaded, will not be wanting to procure it. But it will be necessary (as you suggest) that they should understand beforehand that government will receive the petition you propose should be sent for the consideration of the Assembly here.

The whole exertions of our late Governor in the House of Commons in favor of the town & Province have given universal satisfaction. His speech on that occasion (with a copy of which I am favored) is excellent, & has been reprinted here.\* To restore peace & order again (as he justly observes) the old policy must be resumed & directed by the spirit of commercial wisdom. This spirit will dictate that all imposts and duties must be for the sole purpose of regulating trade, without any view to revenue whatever. But peace, harmony, & confidence can never be restored even by this spirit, unless it procures the removal of some persons here from office, and particularly Gov<sup>r</sup> Bernard, in whom all confidence is lost. 'Tis in vain to expect a return of harmony while he is in the chair. From other views than national he will be putting

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\* In the Library of this Society is a pamphlet of sixteen quarto pages, entitled "The Speech of Th—m—s P—wn—ll, Esq.; Late G—v—rn—r of this Province, in the H—se of C—m—ns, in favor of *America*." It has no imprint, but in the Boston newspapers of April, 1769, it is advertised as for sale by Edes & Gill and T. & J. Fleet.—EDS.

Ministry up on revenue projects and other disgusting measures, and be eternally agitating them by his representations, in which he has a peculiar knack at making mountains of mole hills, & idle chitchat, treason. M<sup>r</sup> Bollan has sent to the Council an authenticated copy of six of his many letters laid before Parliament, in which letters he has abused the Council as immoderately as unjustly, and has not disdained the aid of falsehood to represent them in an infamous light. A majority of the Council (the whole could not, by reason of the difficulty of convening them) have wrote a letter to Lord Hillsborough containing a vindication of the Council against the calumny & misrepresentations of the Gov<sup>r</sup> & have sent it under cover to M<sup>r</sup> Bollan to be d<sup>l'd</sup> to his Lordship. They conclude their letter by telling his L<sup>d'ship</sup> that his Majesty's service cannot be carried on with advantage during M<sup>r</sup> Bernard's administration.

What the town, the Province, and all the Colonies most ardently wish, and upon which the internal peace of the two former, and the restoration of harmony between Great Britain and the whole of them, next to the removal of their capital grievances, depend, is the removal of Gov<sup>r</sup> Bernard. You cannot do a more essential service to this Province than to procure his removal. & that service in its happy consequences will extend to all the rest, & to the mother country also. If you have any inclination of coming to America again, I hope you will be his successor; and this hope I have often heard warmly expressed by some of the most respectable characters among us. Such an appointment would give me great pleasure. I am with great truth & regard, d<sup>r</sup> S<sup>r</sup>,

&c., &c.

WILLIAM BOLLAN TO SAMUEL DANFORTH AND OTHERS.

HENRIETTA STREET, June 21<sup>st</sup>, 1769.

GENTLEMEN.—Having had the honour of receiving your letter of the 15<sup>th</sup> of April, accompanied with dispatches for Lord Hillsborough, it gave me great pleasure to find that my endeavours to promote the public service were so agreeable to yourselves & the Province.

The detention of letters to Ministers being deem'd disrespectful, after reading yours, with the papers relating to it, I carried the packet to his Lordship's house, & he not being at home, nor his deputy there, I deliver'd it to his servant. On the second subsequent attendance being admited, a conversation of some length & freedom ensued, wherein his Lordship express'd great regard for the Colonies, and declared to this effect, that the mutual welfare of the kingdom & the Colonies was so closely connected that either cou'd receive no harm without the others suffering, & that as little distinction as possible shou'd be made between them. Among other things I took the liberty of observing that the repeal of the whole Grenvillean system, with the grafts made upon it, wou'd in my poor opinion be a salutary measure, that if all the minutiae of regulations & restrictions which tend to the embarrassment & diminution rather than the advancem<sup>t</sup> of trade were laid aside, and the Colonies took from Great Britain all the European & Asiatic commodities which they consume, & brought to the British market those products which were fit for it, and their other trades were favour'd, this wou'd encrease the commerce & navigation of both countries, with the demand for British manufactures, and in circuit bring far more money into the Exchequer freely than can be done by such measures as have been lately taken, and that the richer the Colonies were the more they cou'd & wou'd take from the mother country, & the better it wou'd be for them both. His Lordship seem'd to

like this plan of commerce, but as to the total repeal I noted neither assent nor dissent. I observed that all the Colonies had been strangely united for the purpose of judicature, all the offences against numerous penal statutes committed at land being made cognizable in a new Court of Admiralty, which proceeding according to the civil law was moreover unconstitutional. His Lordship said that four courts had been lately appointed, whereupon the only gentleman present observed that the objections held against them. His Lordship express'd a very high regard for the conduct of Gov<sup>r</sup> Bernard, consider'd in relation to this kingdom & the Province. On my enquiry, he said your letter lay before his Maj<sup>y</sup>, and on desiring in your name the copies you mention, he said that no copies of state papers cou'd be given without the King's order. I am persuaded that his Lordship has not the chief ministerial direction of American affairs. The result of a political consultation had some time past, according to my intelligence, was to advise his Maj<sup>y</sup>, 1. To support the regal & Parliamentary authority over the Colonies ; 2. That no farther revenue shou'd now be raised there ; and 3. That the last American act shou'd be repealed in the next session, in case the Americans shou'd in the mean time behave properly. Of this proceeding, I presume, you have before this time had some notice. His Lordship censured some publications of the Council, as inconsistent with the duty of the King's counsellors. I was not well enough acquainted with these proceedings to defend or excuse them, & need not observe that unless necessity requires, publication ought not to precede application to government.

After meeting with unexpected difficulties, which I cannot at present explain, I have obtain'd, and now send, copies of all Gov<sup>r</sup> Bernard's letters laid before the House of Commons in the former part of their late session,\* that is,

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\* See note *ante*, p. 123.—Eds.

before I gave particular attention to your affairs. Your answer to the several charges contain'd in the letters formerly transmited has been well approved in point of matter & manner by a member of the first character, to whom alone I have yet shewn the copies. I have scarcely had time to hear the letters now sent once read, & therefore can say nothing in consideration; their contents & bare reading astonish'd me extremely. They will probably explain the proceedings relative to your distress, & I doubt not you will exercise all the wisdom, diligence, & caution which your own honour & the welfare of the Province on this occasion require.

I am at present closely engaged in an affair which I hope will in its consequence serve you, and am so straiten'd in time that, to save the ship, I must without a review of what I have written conclude, and am, with the greatest respect, Gentlemen,

Your most obedient & most humble servant.

W. BOLLAN.

P. S. Several of the letters now sent contain such charges upon the selectmen & the town of Boston, that I desire you wou'd be pleased to let them have copies. I intended to send to the selectmen authentic copies, and to write to them by this conveyance, but find it impossible.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, ESQ<sup>R</sup>, & OTHERS.

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WILLIAM BOLLAN TO SAMUEL DANFORTH AND OTHERS.

POLAND STREET, June 23<sup>d</sup>, 1769.

GENTLEMEN,—Upon a careful examination of the papers relating to your proceedings, with those of his Majesty's Ministers & officers, civil & military, laid before the House of Co<sup>m</sup>mons in their late session, I have

desired copies of sundry letters from Lord Hillsborough & others, and copies of two memorials from the Commiss<sup>rs</sup> of the Customs, with the annex'd papers to be made out with dispatch, in order to be sent to you by Capt. Scott, who is near sailing. I have at present very little expectation of being able to obtain any farther copies, and those transmited cou'd not, I am well satisfied, have been got if they had not been laid before the House of Commons, which entitles the members to copies ; and the clerks were so stagger'd by the contents of Gov<sup>r</sup> Bernard's letters, of which I sent copies by Capt. Smith, & now send duplicates, that I was obliged to get an order in writing from Mr Beckford for them.

Some days past I was favour'd with a letter from Mr Bowdoin relative to a packet sent by Capt. Bryant, containing a duplicate of your letter to Lord Hillsborough, with other papers and proofs. Mr Bowdoin's letter renews in your name the proposal of publication. When I consider that all Gov<sup>r</sup> Bernard's letters, formerly, lately, & now sent, were read in both Houses of Parliament, the public justification of the Council appears very desirable ; but after considering this matter as well as my present hurry & the shortness of the time will permit, the present publication of your late letter, tho' it contains so notable a defence of the Council, does not appear to me advisable, 1. Because this letter now lyes before the King, and an appeal to the people in that case is improper ; 2. In consequence of your having only partial information, it contains only a partial defence ; 3. All, or most, of the principal persons, especially those who are likely to favour your cause, are dispersed & gone, and the freshness of a publication, made in season before the subsequent consideration of the subject matter of it by government, is frequently serviceable. On your receiving the copies now sent you will, I presume, with the aid of your other knowledge of facts, well understand the

motives, begining, & progress of those proceedings which have brought the Province into so strange & unhappy a condition. A removal of all unjust impressions, prejudicial to its Council, magistrates, & inhabitants, wou'd be very beneficial, if obtainable, and I beg leave to submit to the consideration of those who are able to make it, the utility of a plain, clear, distinct & candid narrative of all the material facts placed in their natural order, attended with decent and pertinent observations, & a constant regard for future as well as past proceedings. I do not mean that the defence of the Council shou'd, in my poor opinion, be mingled with other defences & matters, nor pretend to be a competent judge in this business; and, indeed, the idea of an useful narrative arising in my mind while writing I haye hastily inserted it, without considering, as I ought, whether there be time sufficient to form, complete, and publish it before the next session.

I hope Smith & Scott will both arrive safe; and in that case be pleased to let the selectmen of Boston have the authentic copies of those letters which imediately concern them & the town, it being impossible to get other authentic copies in season for their use, being so straiten'd in time that I shall not be able to read any of the fresh copies now sent.

It is intended that the livery of London shall in common hall to-morrow determine upon a petition to his Majesty, and having seen parts of two several draughts, each express'd a regard for the welfare of the colon<sup>s</sup>, but the third which is settled by the committee makes, I think, the most favorable ment<sup>n</sup> of them, such part as relates to them having been read to me yesterday by the favour of a gentleman who has the care of it. I am with the greatest respect, Gentlemen,

Y<sup>r</sup> most obed<sup>t</sup> & most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, ESQ<sup>R</sup>, & OTHERS.

## JOHN ERVING\* TO WILLIAM BOLLAN.

BOSTON, July 26, 1769.

WILLIAM BOLLAN, Esq.: SIR,— Your letter to Mr Danforth of the 6<sup>th</sup> of May was rec<sup>d</sup> yesterday, & for the intelligence contained in it the Council are obliged to you. The motion you refer to for considering & repealing the last American act from what you was informed concerning it, that it was Ministerial at bottom, & from other information we have just had, was probably designed to make the Americans believe that a repeal is really intended at the next session of Parliament, and in confirmation of this it is said the Ministry have written circulatory letters to the respective Governors of the Colonies with directions to make such intention publicly known. But as we are happily apprized of their views in doing this, it will fail of working the effect they hope for from it, namely, to induce the merchants here to set aside the agreement with regard to non-importation from Great Britain. By this conveyance you will have enclosed to you the vote of the Council appointing you their agent in G. Britain in behalf of the Province. The vote is attested by the Deputy Secretary, the Secretary himself being gone to New York. The Council were in hopes you would have been appointed by the whole Court, and in expectation of it postponed their choice till a day or two before the prorogation of the Court, which happened the 15<sup>th</sup> instant. The House of Representatives were much divided in their sentiments about an agent, many of them were for not appointing any agent, and were probably influenced thereto by private letters from the gentleman you hint at as being a closet companion of

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\* John Erving, born at Kirkwall, in the Orkneys, in 1690, came to this country a poor sailor-boy about 1706; was afterward a captain in the merchant service, and subsequently the richest merchant in New England. He sat in the Council of Massachusetts from 1754 to 1774, and died in Boston in 1786, aged 96. His eldest son, John Erving, Jr., was a Mandamus Councillor and Loyalist refugee. — Eds.

L— H—. But a majority finally voted to continue Mr De Berdt as the agent for the House. The Governor & the Assembly have had no good agreement this session, and, in order to put it [out?] of their power to give to Ministry & the Parliament a full state of the Province to be considered with his own, he has prorogued the Court to the 10<sup>th</sup> of next January, by which means, as he is just about sailing for England, he expects to be there at least six months before the Assembly can do any thing further to counter-plot him in his machinations against the Province. The Council request the favor you will please to give your attention to all his motions & proceedings that so the Province may not suffer by his representations before they can be notified & heard upon the subject matter of them. This prorogation has also put it out of the power of the Council, at least for six months, to endeavour to effect a junction of the two agents, if they should not be able to get you appointed the sole agent for the Province.

In the Council's letter of the 15<sup>th</sup> of April they requested you to procure and send them authenticated copies of Governor Bernard's letters, &c., laid before Parliament. They renew the same request, and pray you also to procure some other letters of his; to describe which it is necessary you should be informed that, in the last commission constituting a Court of Vice Admiralty, for the trial of piracies, &c., the Council of this Province is not named, notwithstanding by all former commissions they made a part of that Court. Governor Bernard's letters to the Ministry, dated between June, 1761, and February, 1762. are apprehended to be the occasion of this. The Governor took offence at the Council's joining with the House in June, 1761, in measures for recovering the Province's part of certain seizures condemned by the Court of Admiralty; and thereupon, as there is reason to think, characterized the Council in said letters as inimical to

the said Court of Admiralty. And after the demise of the late King, in October, 1761, when a new commission was necessary for such trials as aforesaid, represented it as improper that the Council of this Province should constitute any part of the new Court. The Council are very desirous of obtaining a copy of his said letters; and they earnestly pray the favor that you would procure a copy of them, which are very probably dated between June, 1761, and February, 1762, of which last date the commission is.

You have herewith a printed copy of the Council's letters to Lord Hillsboro', with the proceedings refer'd to in them. Your petition to the House of Commons, so well written & of so great importance to Americans, was tho't necessary to be printed with them.\*

In behalf of Com<sup>tee</sup> of Council, I am with great respect, Sr,

Y<sup>r</sup> most obed<sup>t</sup> hbl. serv<sup>t</sup>.

JOHN ERVING.

#### THOMAS WHATELY TO JOHN TEMPLE.

LONDON, 27<sup>th</sup> July, 1769.

DEAR SIR,—I am ashamed of so old a date as 4<sup>th</sup> Nov<sup>r</sup> to your letter, in which you gave me hopes of seeing you soon here, but I have since heard nothing more of it, & I know so little of the present administration that I can neither give you intelligence of their designs, nor assistance in obtaining your request.† I only know that

\* The petition of Mr. Bollan to the House of Commons is printed in The Boston Gazette, April 17, 1769. It is also in the appendix to a pamphlet, printed in the same year by Edes & Gill, entitled "Letters to the Right Honorable the Earl of Hillsborough," &c. — EDS.

† In a letter to Earl Temple, dated Sept. 22, 1769, Mr. Whately writes,—"I find Mr John Temple is coming home; his business is partly to answer the charge now made in form against him by the other Commissioners for favoring the popular party, and partly to charge them, together with the Governor, with insolence, indiscretion, and perhaps abuse of their powers." (See Grenville Papers, vol. iv. p. 460.) Mr. Temple, however, did not go to England until more than a year afterward. (See letter to Whately, Dec. 30, 1770, *post*,

they affect to make a shew of vigorous measures concerning America. In some points they will not chuse, in others they will not dare, to give way; & my idea is that so long as they continue, they will do as they have hitherto done, & keep y<sup>e</sup> affair just where it is, without much exertion or much concession. In all probability, however, they will not continue long; y<sup>e</sup> crisis of our affairs & y<sup>e</sup> discontents of y<sup>e</sup> people will soon make the establishment of a more able administration necessary. Your people are poor politicians in exulting as they do in our disorders, & not seeing that from thence results the necessity for a government equal in firmness & stability to the occasion. The notice taken of your supposed grievances in the petitions of London & Middlesex is as little matter of triumph, for you will not, I believe, see y<sup>e</sup>

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p. 247.) In a memorial to the Lords of the Treasury, dated Feb. 7, 1772, he says he had "humbly solicited no less than thirteen times for leave to come home to England . . . Thus after persevering more than three years in the most disagreeable & unhappy situation, observing at the same time the business of the revenue & (as he apprehended) the revenue itself going fast to ruin & destruction, he ventured to come home without leave, trusting entirely to your Lordships' candor & humanity for so doing, seeing that Mr Robinson, a brother Commissioner, & Mr Hallowell, an inferior officer, had before done the like with impunity." On his arrival he "had the mortification to hear that he had been some months superceded in the American Commission by the same Mr Hallowell." Soon afterward he had an interview with Lord North, "who discovered a fair disposition for repairing the injury your memorialist had sustained both in his character & fortune." Lately he "had the honor of being appointed Surveyor General of the Customs in England, with £300 a year over & above the salary established, in which station (though a degradation in rank) he means to exert his utmost to approve himself to your Lordships for further favor when a vacancy may happen at either the English or Irish Board of Revenue." And he prayed for some compensation for his losses and expense attending the presentation of his "truely unfortunate case," which amounted to "near a thousand pounds of his private fortune, over & above the charges of his voyage & the loss he must unavoidably sustain in the disposal of his house, furniture, slaves, horses, carriages, & by the sudden & unexpected removal of himself, & family" from America. It should be added that a year before the earliest of the applications referred to in the foregoing extract, — in the summer of 1767, — Mr. Temple had asked leave to go to England for the recovery of his health, which, he says, in a letter dated Jan. 25, 1768, "was graciously granted me, and with the most pleasing additional circumstance, that of full approbation of my past services, not only of the Board of Customs in England, but of the then Lords Commiss<sup>rs</sup> of the Treasury themselves." When he was about to sail, he learned that it was the intention of the government to establish a Board of Customs in America, in consequence of which he determined to postpone his proposed visit to England, in order to be on the spot when the newly appointed Commissioners should enter on the discharge of their duties, and to furnish them with all the information he could give. Of this Board he was made a member; but for some reason his renewed applications for leave to go to England were not favorably received. — EDS.

example follow'd, but y<sup>e</sup> petitions of the counties will in general omit the pretensions of the Colonies. That of Surry, the only one which has yet been prepared, is silent on y<sup>e</sup> subject. As to your associations against importation, they can have little effect. Your merchants will not keep to them. Every one would suffer if they did for want of meer necessaries, & now that the greatest parade is making about them our manufacturers feel from the demand that your agreements are evaded. This is, I think, y<sup>e</sup> general state of publick affairs between us. As to private concerns I have already written to your brother by M<sup>r</sup> Venner my sentiments upon them. I cannot dissemble that your differences with the officers of y<sup>e</sup> Crown are circumstances not in your favour, & in these times, & in your situation, you must suffer while such appearances are against you. I have, you know, always regretted your alienation from those officers. I always shall think it unfortunate for you, & you must excuse me for continually expressing my concern about it. I am, dear Sir,

Your most obedient, humble servant.

THOMAS WHATELY.

THE HON<sup>BLE</sup> MR. TEMPLE.

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JOHN ERVING TO WILLIAM BOLLAN.

BOSTON, August 19, 1769.

W<sup>m</sup> BOLLAN, Esq<sup>R</sup>: S<sup>R</sup>, — This only serves to acknowledge the rec<sup>t</sup> of y<sup>r</sup> two favors of the 21<sup>st</sup> & 23<sup>d</sup> of June to M<sup>r</sup> Danforth & others, accompanied with the copies of Gov<sup>r</sup> Bernard's, &c., letters & the memorials of the Com<sup>rs</sup> of the Customs, for all which we are very much obliged to you. As many of the letters affect the character of the town of Boston, they will be, agreeable to your desire, communicated to the selectmen of the town. On the

subject of those letters & memorials you will probably hear further from the gentlemen to whom your letters are directed, in whose behalf I am, very respectfully, S<sup>r</sup>,  
Y<sup>r</sup> most obed<sup>t</sup> hble. serv<sup>t</sup>.

JOHN ERVING.

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WILLIAM BOLLAN TO SAMUEL DANFORTH.

FLUDYER STREET, WESTM<sup>R</sup>, Oct<sup>d</sup> 2<sup>d</sup>, 1769.

SIR,—After the tedious confinement necessary for writing the Free Briton's Memorial,\* taking care of its publication, & putting the Council's Defence into the proper course of printing, in order to be publish'd at the best season, I went out of town on the 24<sup>th</sup> of Aug<sup>t</sup> & returning on the 20<sup>th</sup> ult<sup>mo</sup>, in consequence of M<sup>r</sup> Erving's letter of the 26<sup>th</sup> of July, I proceeded to take care of the printing, tho' M<sup>r</sup> Beckford in the country & S<sup>r</sup> Geo. Saville afterwards in town told me that in all probability the Parliament would not sit til after Christmas, with intent to publish it some short time before their meeting, but on the morning of the 28<sup>th</sup> one of the principal public papers contain'd an advertisement that the whole publication printed at Boston was reprinted here, & wou'd be published the next morning. The close application necessary to consider a constitutional question put me the day before by a gentleman of consequence, one of your principal friends who lately came to town, with some subsequent matters, employ'd my time so that I knew nothing of this advertisement til ten o'clock in the ev'ning. Early next morning I went to M<sup>r</sup> Almon, the publisher, who told me upon enquiry that the author of this publication was a gentle-

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\* This was a quarto pamphlet of about sixty pages, published anonymously under the title of "The Free Briton's Supplemental Memorial to the Electors of the Members of the British Parliament; wherein the Origin of Parliaments in Europe, and other interesting Matters, are considered." It is mainly an attack on the ministry of the Duke of Grafton, on account of their action in regard to the Middlesex election, and only incidentally refers to the dispute with the Colonies. — EDS.

man of character & fortune, who sustain'd no public office, but was a great friend of the Colonies, and a particular friend of mine, that on seeing my name in the appendix, he came to my lodgings for directions how to write to me in the country before he shou'd go on to publish, but my clerk not being in the way he cou'd get no information herein, & thro' the great neglect of an inferiour servant, he had none ; and that several others having copies which came from Boston, he had dispatch'd the publication in order to prevent their making it. This unlucky proceeding vexed me, 1<sup>st</sup>, because my intended publication would in the present state of this kingdom have been more beneficial, as your friend aforementioned & M<sup>r</sup> Almon himself agreed ; 2, because I had for some time purposed to publish apart my own petition, together with a short preceding essay, but this design is now defeated. The misfortune is not great, and I shall endeavour to remedy it as far as may be. I am, with the greatest respect for the Honourable the Council, Sir,

Your most obedient & most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, ESQ<sup>R</sup>.

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SAMUEL HOOD\* TO JAMES BOWDOIN.

MANY thanks, dear Sir, for your very obliging and also for the painplet ; I hope and trust, and I flatter myself with some reason, that all will be well in a little while, and that the present breach will bring forward most perfect and unalterable affection, between

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\* Samuel Hood, one of the most distinguished of the British naval commanders in the last century, was born at Thorncombe, in Devonshire, Dec. 12, 1724, and died at Bath, Jan. 27, 1816. For his services against the French during the war of our Revolution he was raised to the peerage, and for his still more conspicuous exploits during the wars of the French Revolution he was created Viscount Hood. See Rose's Biographical Dictionary, pp. 360, 361; Dictionary of National Biography, vol. xxvii. pp. 263-270.—EDS.

Great Britain and the Colonies, in spite of the inflammatory publications the papers are still full of, which can serve no other end, than to keep the unhappy ferment alive; would it not therefore be highly praiseworthy, in the principal gentlemen to unite, and most cordially endeavour to put a stop to such rancorous abuse that appears in almost every print? I perceive an attempt at it against me could not be withheld by some one, and though I guess the man, I wish not to know him; if it will answer any good purpose to the Province I hope to see it continued, and I promise you to take not the least notice of whatever is published in such a way, nor shall the quantity or quality of it in any degree slacken my zeal for promoting, to the utmost of my feeble abilities, a happy reconciliation between the parent country and America.

I am sorry Mrs. Bowdoin has been so alarmed about the small-pox, and hope eer this her fears are at an end and that she is returned to her own house. Mrs. Hood joins me in best compliments and warmest wishes to her & you, and the several branches of the family, particularly the *head* of Mrs. Bowdoin's, and I beg you will believe me with great truth & esteem, dear Sir,

Your most obedient humble Servant.

SAM. HOOD.

HALIFAX, Oct<sup>o</sup> 8<sup>th</sup> 1769

P. S. As soon as the Sept' mail arrives the Hope schooner will be dispatched to me, and in three days after she comes here, I shall send her to England. If she can be usefull to you, I shall be happy in giving you this information.

## JAMES BOWDOIN TO THOMAS POWNALL.

BOSTON, Decr. 5, 1769.

DEAR SIR, — I have the pleasure of your letter of y<sup>e</sup> 27<sup>th</sup> June, & observe you staid in town to be present at the Council Chamber when the hearing of the Kennebec Company's appeal comes on. It is some time since the C<sup>o</sup> has had a line from M<sup>r</sup> Goostrey, by w<sup>ch</sup> means they are uninformed of the issue of the appeal, or indeed whether it has yet had a hearing. When you see him, please to be so good as to let him know it will give the C<sup>o</sup> pleasure to hear from him, and to be informed what progress is made in the appeal, and, if not already, when 'tis likely to come to an issue. What you mention about the legality of the appeal being founded on the action's being personal, makes me recollect it was originally a personal action, and intended to be so to avoid the objection arising from the opinion that the Charter did not allow of appeals in real actions ; but it was said at the same time that in fact it did allow of such appeals. However that may be, I am very glad y<sup>e</sup> appeal stands clear of any objection from the Charter, as I would not in my own case, and should be sorry the Company should in theirs, do any thing inconsistent with the rights of the Charter.

The unkind, not to say contemptuous, reception American petitions have met with from Parliament has effectually discouraged our Assembly from petitioning further, and all the rhetoric Ministry can command, if used for the purpose, will never persuade them to it. Their idea seems to correspond with yours, that it is best to let Ministry take their own way, that the absurdity of it may expose them, and necessitate a change of measures. There are many considerate people here who think a change of measures, by which they mean a repeal, either in whole or in part of the several acts for raising

a revenue in America, would be a real detriment to America, as those acts have raised a spirit of œconomy, industry and invention w<sup>ch</sup> have already produced happy effects, and have demonstrated our capacity of being less dependent on British produce & manufactures than was ever before apprehended. This spirit seems likely to continue as long as those acts; but it may probably abate on the rescinding of them, though it is greatly to be wished even by the friends of Great Britain that that spirit may continue, and the true policy would be to direct it to objects that would not interfere with but be beneficial to her manufactures. With regard to American manufactures, tho' the progress of them has not been so rapid as the warm sons of liberty has represented on the one hand, nor so small & diminutive as ministerial sycophants have represented on the other, I can assure you it has been considerable and is growing, and all you can do on your side of the water, except the restoring things to their old course, will but increase it. Ministry by this time know this is not a country from which revenue can be raised, and if the revenue acts are continued, they will also know that it is a country that can manufacture for themselves. But perhaps they prefer the wisdom derived from experience. Lord Hillsborough's last circular letter has been as unsuccessful as his former; the declaration in it that Ministry would procure the repeal of the duties on paper, glass, & colors, instead of causing a relaxation of the agreement for non-importation, has confirmed it. It has been agreed anew by the merch<sup>ts</sup> of this and most of the Colonies that they will not import till the act of Parliament last made be wholly repealed; and it has been and is now negotiating not to import till the revenue acts shall be repealed.

Since I had the pleasure of writing you last, Gov<sup>r</sup> Bernard, you know, has met the Assembly, the transac-

tions of which the newspapers have informed you. He gave me my quietus by his negative.\* When he prorogued the Court last June, he did it to so distant a time as Jan<sup>ry</sup>, partly to prevent (as long as he could) the filling up the seats he had vacated at Council, but especially to prevent the Assembly doing anything further against himself. We have had two parcels of his letters to Ministry, with other letters, the same that were laid before Parliament, published here. With the first, and in answer to them, were letters from the Council to L<sup>d</sup> Hillsborō. In answer to the last, the Town of Boston has published an Appeal to the Public. All these papers have been sent to you. Against the authors of those letters laid before Parliament, viz., Gov<sup>r</sup> Bernard, Gen<sup>l</sup> Gage, the Comiss<sup>rs</sup> of the Customs, the Collector & Comptroller, the Town made complaint to the Grand Jury, who have found bills against them which have been just laid before the Superior Court now sitting here.

Two regiments of our new conservators of the peace remain here; their main guard is still posted where it was, directly opposite to the centre door of the Court House. The posting troops in the town, not required by the civil magistrates, and contrary to the mind not only of the Town, but of the whole Province, occasioned the General Court to refuse doing business in town, and it is probable they will continue in the same disposition at the next session. To keep the troops here and *eke* the Comiss<sup>rs</sup> who applied for them, and who have taken a great deal of pains, very needlessly and very impertinently, to make themselves obnoxious, can serve no other purpose than to irritate and keep up the spirit of discontent; unless Ministry still look

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\* On the first day of the session of the House of Representatives, which began May 31, 1769, twenty-eight Councillors were duly chosen; Governor Bernard negatived eleven of them, including William Brattle, James Bowdoin, John Hancock, Artemas Ward, and James Otis. Among those to whose election he consented were Samuel Danforth, John Erving, and Samuel Dexter. — EDS.

on an American revenue as an object worth pursuit, and that those are the proper means of securing it, in both which, if they have not already, they will probably find themselves mistaken, notwithstanding the suggestions and inculcations of a certain Baronet, to whom, it is believed, the nation & Colonies are principally obliged for the disunion & disaffection that at present unhappily subsist between them.

However worthy of approbation this may be, it is said his forcing the Assembly to refuse quartering the troops, & to express themselves so fully & plainly on that subject, is a matter for which Ministry does not thank him. The affair of agency stands disagreeably. The two houses had it some time under consideration for the purpose of joining together in it. But at length each chose its own agent; the Council Mr Bollan, & the House Mr Deberdt. There is talk of a coalition at the next session, and appointing both by the whole Court. But whether this will take place is doubtful, at least. If any thing should turn up worth communicating, I will communicate it, & am, with great respect, S<sup>r</sup>,

Y<sup>r</sup> most obed<sup>t</sup>, &c.

JAMES BOWDOIN.

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SAMUEL HOOD TO JAMES BOWDOIN.

DEAR SIR,—I give you many thanks for your very obliging letter of the 4<sup>th</sup> past, which I duly rec'd, and am sorry you have been deprived of the use of your pen by a complaint in your eyes. If my wishes are of any avail you and yours now enjoy all imaginable health, with every other blessing of life, that sincerity can suggest.

Calumny, my dear Sir, is the mark of envy in little narrow minds, and I hope never to want a Christian's share of it; I am conscious of the rectitude of my own actions and am proof against the attack of malignant

people. I can make a pretty good guess at the author of a late publication in Edes & Gill,\* but am so little disturbed at it, that I do not desire to know for certain who he is, nor would I give him a sixpence to prevent his filling a page of abuse of me in every paper, for a year to come. It is with much pleasure I acquaint you, and I think with some degree of authority, that a plan will soon come forth, so full of moderation, as well as attention to America, that I flatter myself the sensible part of his Majesty's subjects in the several Colonies will be satisfied. It is not possible to content the whole, for some minds are not to be satisfied and to whom the more you grant the more will be demanded; but I hope & trust the whole continent will be easy & happy, before the end of the present year.

Mrs Hood begs her best compliments may be made acceptable to Mrs. Bowdoin, and all of her connection she has the pleasure to know, and I entreat you will remember me to Cap<sup>t</sup> Erving. I am dear Sir, with great regard & esteem,

Your most obedient and very humble Servant.

SAM. HOOD.

HALIFAX, Jan<sup>y</sup> 17<sup>th</sup> 1770.

JAMES BOWDOIN ESQ<sup>R</sup>

PETITION TO THE HOUSE OF COMMONS.

MARCH, 1770.

TO THE HON<sup>BLE</sup>, THE CO<sup>MONS</sup> OF GREAT BRITAIN IN PARLIAMENT ASSEMBLED,

The petition of William Bollan, Esq<sup>r</sup> [appointed by the Council of the Province of Massachusetts Bay, agent for them and the Province in Great Britain.] †

\* The reference is to a long letter in the Boston Gazette, Dec. 25, 1769, signed Philadelphos, containing extracts from Commodore Hood's letters to the Secretary of the Admiralty. — EDs.

† The words within the brackets have been stricken out by drawing a line through them. — EDs.

Most humbly sheweth, — That in his present Majesty's reign measures have been devised & laws made for raising a revenue out of American commerce, the natural augmentation whereof, thus prevented, would have caused a continual growing consumption of British manufactures with a constant encrease of British navigation, the source of their naval power; would in circuit have enrich'd the King & kingdom far more by consent than they could be by any compulsion; would have preserved in its former full strength that cordial union of the British subjects residing in Britain & the Colonies which is apparently necessary to their mutual & lasting welfare; and would moreover have augmented the abilities of the British Americans, and given fresh spirit to their laudable inclination to venture their lives & fortunes against the public enemies when they shall renew their hostilities, which in point of difficulty & danger may equal, or exceed, those that were in the late war so happily surmounted, and which without question, tho' with uncertain pace, are daily approaching.

That amongst other measures even British manufactures have, contrary to the plainest principle of commerce, been made the subjects of taxation when imported into the Colonies.

That regulations of American commerce have been subjected to military execution, fitter to extirpate than to regulate, preserve & encrease trade, which is in its nature so tender that touch it with a sword & it dies.

That the offenses, accusations, & litigations relative to the several laws enacted touching the American trade & revenue, have been subjected to civil adjudication incompatible with the English constitution and pregnant with hardships exceeding all example.

That the King's causing such monies to be applied out of certain American revenues as he shall think proper or necessary for defraying the charges of administering justice and supporting civil government within all or any of the

Colonies would be such a seizure of their immediate civil government into the King's hands as would be attended with unspeakable difficulties and hardships, wou'd subvert *pro tanto* the proper constitution of the Colonies, which are in their nature & by their institution distinct members of the commonwealth, established by the wisdom of former ages, and wou'd be inconsistent with the Charter granted to the s<sup>d</sup> Province of Massachusetts Bay by their Majesties, King William & Queen Mary.

That the junction of the Colonies for the purpose of civil government is manifestly repugnant to that standing policy of their severance whereby they have been so well governed from the time of their existence.

That the application of monies raised in a Colony which defrays all the proper & necessary charges of administering justice & supporting civil government there, to pay the charges of such administration & support in any other Colony neglecting its duty in this behalf, would be a plain departure from the permanent principle of natural justice.

That the new system of defending, protecting, & securing the Colonies devised & practised by his Majesty's Ministers is likewise improvident, oppressive & dangerous to the kingdom & the Colonies.

That in consequence of the preceding & other ministerial measures, the British manufactures, trade, & navigation have been discouraged, & British America reduced from a state of quiet, with cheerful & profitable obedience, to a state of great distress & dangerous insatisfaction.

That the errors & improvidence of Ministers, with the hostile designs & proceedings of France to undermine the British American dominion, trade, & fishery, brought on the late expensive & dangerous war, and British America is now in consequence of the errors & improvidence of his Majesty's Ministers brought into a state of invitation of foreign war.

Wherefore your petitioner humbly prays that he may

be heard before this Honourable House, in order that he may defend the rights & interest of the Province aforesaid, and give such necessary information as this or the late Parliament have not received, whereby he humbly hopes this Honourable House will be in some degree assisted in taking those salutary measures which the prosperity & safety of the kingdom & the Colonies at this interesting conjuncture require.

W. BOLLAN.

(Copy.)

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WILLIAM BOLLAN TO SAMUEL DANFORTH.

FLUDYER STREET, March 6<sup>th</sup>, 1770.

SIR, — Yesterday the Lord Mayor presented to the House of Commons my petition as agent for the Council & the Province, complaining of the new system of revenue & government so far introduced with respect to the Colonies, and praying to be heard in person. Upon reading it, with my authority from the Council, the latter being objected to as insufficient, it was urged that the Council alone cou'd not appoint any such agent, more especially when the House of Representatives was sitting, and this being the sense of the House, the necessity of receiving all useful information, notwithstanding any informality of proceeding abroad, was then strenuously contended for, and at length, the chief minister consenting, the House agreed to receive my petition, upon striking out such part as related to the agency; whereupon the Lord Mayor imediately came out to me with the petition in his hand, acquainted me with the matter, and that upon making the proposed alteration, I should be called into the House, to which of necessity I consented, and his Lordship, with my agreement, having struck his pen thro' the words relating to the agency, he directly returned, and I expected to be very

soon called in, but debates arising and continuing I staid waiting about seven hours, when the House coming to a division between eleven and twelve they brake up without calling me in, and my petition now lies upon the table. The inclosed copy of the petition with the printed votes will shew how it stood before the alteration made, and how it now stands.

M<sup>r</sup> De Berdt having on the 13<sup>th</sup> of Jan<sup>ry</sup> told me he wou'd concur in any measure proper for promoting the Province service, on the 15<sup>th</sup> I waited on him again, and proposed our joining in a petition to the House of Comons, and shewed him the draught I had prepared. After reading it he declined joining with me, but said he wou'd back my petition with one of his own, to be heard by counsel, since which I have heard nothing from him.

The rights & interests of America seem rather to be rising, but as they partake of the wondrous difficulties of the times, it is certain their preservation and advancement require the best defence. I write with much greater hurry than is desirable, and am, with the greatest respect for the Hon<sup>ble</sup> the Council, Sir,

Your most obedient and most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, Esq<sup>E</sup>.

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WILLIAM BOLLAN TO SAMUEL DANFORTH.

FLUDYER STREET, March 8<sup>th</sup>, 1770.

SIR, — Having lately written in haste I did not mention the observation of some of your principal friends in the House of Comons, that the authority given me was not only deficient, being given me by the Council alone, but that the expression was also improper, in empowering me to appear & transact at the Court of Great Britain all matters which concern them or the Province, being, they

said, language more fit for foreign princes or states than for a Colony deputing a person to represent them; to which it is necessary to add that an authority to appear at the Court of Great Britain doth not in strictness authorize the party appointed to appear for his constituents in the several Houses of Parliament. It is needless to say that in these times the best authority is one of the requisites necessary to make the best defence in behalf of the Province, when open & powerful adversaries & their numerous abettors unite with some of your pretended friends to your prejudice. In the session commenced in the year 1755, when a matter was depending in Parliament which nearly concerned the welfare of the Province, my authority was called for by some of the members; whereupon one of your chief friends came out of the House & acquainted me with the necessity of my producing a sufficient authority; upon which I instantly gave him a power I had received that very day, a copy whereof you receive inclosed, having no time to state it, which power being carried in was agreed to be sufficient. But then my instructions were call'd for; whereupon the same member came out to me for them, to which I answer'd, that instructions in their nature related only to the parties giving & receiving them, and were oft times improper for publication, and that the power given to appear for the Province was not conditional or dependent on the instructions, which only directed the conduct of the person empower'd, and that this point had been so determined by the King in Council in a great cause between the King & the Province. This answer being carried in, all objection ceased. I am with the greatest respect for the Hon<sup>ble</sup> the Council, Sir,

Your most obedient & most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, ESQ<sup>R</sup>.

## JAMES BOWDOIN TO WILLIAM BOLLAN.

BOSTON, Mar. 27, 1770.

S<sup>r</sup>, — The last letter sent you in the name and in consequence of the appointment of the Council was dated the — Jan<sup>y</sup> last, since which the Gen<sup>l</sup> Court, pursuant to a ministerial mandate, has been prorogued by the Lt Gov<sup>r</sup> to Cambridge where it has been sitting since the 15<sup>th</sup> instant. This the two Houses (to say nothing of the great inconveniences, to which they are thereby subjected) deem an infringement upon one of the rights of the Charter, which, after ordaining that there shall [be] held & kept a Gen<sup>l</sup> Ct every y<sup>r</sup> in May, vests the Governor for the time being with the whole power of convening, proroguing, and dissolving the said Court without any reference to instructions from the Crown whatever; and not only without such reference, but in terms whereby the Crown has given up all pretensions to a right of giving such instructions. What has passed between the Lt Gov<sup>r</sup> and the two Houses on this subject will be sent you enclosed herewith.

The principal thing which we think it necessary you should be fully informed of at this time is the horrid massacre which happened here on the evening of the 5<sup>th</sup> instant, when eleven of his Maj<sup>ty</sup>'s subjects were killed by a party of soldiers of the 29<sup>th</sup> regiment, their leader being Capt. Preston. The soldiers in general, and particularly of this regiment, have behaved with great insolence and have committed many abuses upon the inhabitants of the town, for which it were to be wished they had been duly punished when brought before our Courts of Justice. But the affair which more immediately was introductory to the said massacre was a quarrel between some soldiers of the 29<sup>th</sup> regiment and the ropemakers at Mr Gray's ropewalk. In the contest the soldiers were worsted, and this reflecting, as they thought, on honor of the regiment, there was a gen<sup>l</sup> combination among them to take vengeance on the town

indiscriminately. Of such a combination there is satisfactory proof, and in consequence of that combination there was on the evening of the 5<sup>th</sup> instant a great number of abuses committed by the soldiers on the inhabitants in various parts of the town; and being carried to such excess by one party a bell at y<sup>e</sup> head of King Street was rung as for fire, which brôt the neighbouring inhabitants into the street, and as King Street was the last scene of that party's exploits, a number of people collected there, about which time the centry at the Custom House without any affront offered to him (as it is affirmed) abused a boy by striking him a severe blow with his gun. This drew a number of persons round the boy near the Custom House, and occasioned some snow balls to be thrown at the centry, who hereupon knocked violently at the Custom House, and speaking with somebody that came to the door, there went from thence two persons to the main guardhouse (opposite to the Court House) and procured Capt. Preston with a party of soldiers to go to the centry, who (it was represented) was in danger. Capt. Preston hereupon went from the guard house with a party of about eight men, who passed roughly thrô the people and pushed some with their bayonets, till they were posted near the Custom House. This was resented by some of the people by throwing a few snowballs; soon after which the said party fired, not all together, but deliberately, by which means eleven persons were killed and wounded, as above mentioned. There are depositions which mention that several guns were fired from the Custom House, and this matter is now enquiring into. Soon after the firing the main body of the 29th regiment appeared in arms in King Street, and were drawn up between the Court House and main guardhouse, and in such posture as plainly manifested a disposition to commit a further massacre, but by the good hand of Providence were prevented.

The foregoing is a short and general account of this

unhappy affair. The particulars of it are contained in a Narrative just printed, with depositions annexed to it, one of which will be sent to you by the Com<sup>tee</sup> of the Town. There is great reason to apprehend that there have been depositions taken in this affair by the procurement of the disturbers of the peace and union which ought to subsist between Great Britain and the Colonies,—depositions intended to make the town the faulty cause of that massacre, and to make it believed that the Custom House was then in danger of being pillaged. But if any such depositions have been sent home, the depositors have perjured themselves; there not being the least foundation for such a thing to be suspected, much less to be made the subject of a deposition. The Council desire you, and you are hereby instructed, to use your best endeavors to procure copies of those depositions (if any such there be) and transmit them as soon as may be, and in the mean time to ward off any ill impressions which such depositions are calculated to make to the disadvantage of the town in particular and the Province in general.

The longer continuance of the troops in town being absolutely inconsistent with the safety of the inhabitants, the Council unanimously advised the L<sup>t</sup> Governor to order the troops from the town to the barracks at Castle Island, and in consequence of that advice the commanding officer, Col<sup>o</sup> Dalrymple, has removed them all thither. The proceedings of Council in this matter are sent to you herewith. You will use your utmost endeavors that those troops be ordered by his Majesty to be removed out of the Province, and that no more troops be sent hither to [be] quartered in the Province.

ALEXANDER MACKAY\* TO JAMES BOWDOIN.

LONDON, 7<sup>th</sup> Ap., 1770.

DEAR SIR, — I woud have done myself the pleasure of writting you by a vessell that saild for Boston last month, but was dissapointed by a gentleman who promised to give me a day's notice, but forgot it. I likewise thought of writting you after my arivall here, but as I had not an opportunity of seeing or conversing with any who coud give me information, the Ministers being all in the country, I thought it better to defer it till I coud speak with them & know somewhat of their intentions. I have had many conversations with some of the Ministers on the state of America, & with truth & integrity I can say that I have endeavord all in my power to represent persons & things in their just light, to clear up prejudices, & to shew where the remedy lay, and how to bring matters to a state of peace & concord ; this, I give you my honor, I did with as much sincerity & regard for one side the Atlantick as the other ; and in justice to those I conversd with I must do them the justice to say that I found them all as willing & desirous to promote that end as ever you & I was on any occasion or conversation. With soime I enterd into all the particulars which you & I had talk'd of, & found a great willingness to comply in every article. I mean that the regulation of commerce shoud be the ground, & I may say the only ground, of any tax that remaind ; further than the molosses, wine, & sugar, nothing to be thought of, & those to be considerd

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\* Colonel, afterward Major-General, Alexander Mackay, arrived in Boston, with the troops from Ireland, in November, 1768, being at that time in command of the 65th Regiment. He returned to England in August, 1769. "Last Saturday General Mackay sailed for London in the Brigantine commanded by Capt. Bartlett," says the Boston Evening-Post of Aug. 21, 1769. "Though the sending the Troops in this Town, considering the Errand they came on, was a Measure not founded in Reason, and as disgustful as unreasonable: Justice, however, requires us to say, That General Mackay's Command of the Troops has given universal Satisfaction; and with Pleasure we take this Opportunity to acknowledge his Merit, both as a Gentleman and an Officer." — EDS.

on fair & just grounds. You may say, how comes it then that matters have stopt now with only repealing the dutys on glass, painters' colors, &c., & not tea? I will answer you candidly in the way I ever did, that it is owing to the measures taken by yourselves, & the extension of the resolutions made at your publick meetings after I left you, where it was resolved that no importation of British goods shoud be enterd till the dutys on sugar, wine, & molasses & indeed till all dutys were repeal'd. This was so deep a stroke that no man in his senses coud pretend to say a word, and allow me to say, on these grounds if any member here woud give way he woud have the whole nation against him, and many of your warmest friends said, that if any act was repeal'd on such grounds, it was telling you that you had only to do the same again for any purpose you pleas'd, right or wrong. I have told you often, & I repeat it now, that those who are your chief advisers from hence dont care a farthing for your interest more than any other individuals in the kingdom; their object is to overturn the administration by distressing goverment in every quarter they can, & so far from wishing an accomodation of all differences with America, I sincerely believe, they woud be very sorry for it, & woud be the first to blame them, did they find that they meant to adopt the measures they now seem to advise. My situation in life does not call upon me to take a Ministeriall part, nor have I views or plans to pervert my judgment. I may err from want of knowledge; but what I say to you is the sincere sentiments of my heart, from no other motive but wishing the generall good of the whole; and I now declare to you that such is my idea of the good intentions both of Ministers & Parliament to America, that if there was but temper & moderation shown on your side every thing that a reasonable man coud wish woud readily be granted, but while they continue as at present I believe nothing

more will be done. I write you my honest & true sentiments for yourself only. I promised you I woud do so, & accordingly have done it. And such is my sentiments of the true politicall conduct to be observed by this kingdom to America that no man can from principle & inclination more sincerely wish your prosperity than I do. as I'm convinced it is the interest of this countrey to promote it in every particular that does not essentially interfere with the commerce of this kingdom. I heard Comm<sup>r</sup> Temple was on his way to this country last Feby. If so I'm surprised he is not yet arived. I beg my best respects & comp<sup>ts</sup> to M<sup>r</sup>s Bowdoin & your family, to my good friend M<sup>r</sup> Erving, the Temples, & all friends, & that you will all accept my best thanks for your many civilitys to me when at Boston, & believe me to be with very sincere regard, dear Sir,

Your most obt. & humble servant.

ALEX<sup>R</sup> MACKAY.

I saw Sir Fr. Barnard when I landed in Sep<sup>r</sup> last, but I have never once seen him since the meeting of Parliament.

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WILLIAM BOLLAN TO SAMUEL DANFORTH.

FLUDYER STREET, April 10<sup>th</sup>, 1770.

SIR, — The bill for repealing the duties imposed on British manufactures, after being defered from time to time, pass'd thro' the House of Co<sup>m</sup>mons last week, and on Saturday the 7<sup>th</sup> inst<sup>t</sup> it was read in the House of Lords ; yesterday it was read a second time, and to-day it pass'd thro' the Co<sup>m</sup>mittee and will be reported tomorrow ; if the opposition to it be renewed I expect no success. Last week M<sup>r</sup> Ald<sup>m</sup> Trecothick gave notice in the House that he wou'd yesterday move for leave to bring in a bill to repeal the duty imposed on teas. He made the motion

accordingly, without regarding any discouragement, and it was better supported than many expected, but upon a division it was rejected by 80 against 52. I don't at present recollect any other material motion being made during the long unpleasing dependence of this affair in that House. In the former part of the session a gentleman who is very political told me that he wou'd move for a total repeal of the last revenue act, for a declaration that the Stat. of Hen. 8<sup>th</sup> for trial of foreign treasons does not extend to the Colonies, and for a removal of the troops, since which I have never heard of his making any of these motions. After approving them and making mention of other grievances, I told him I wou'd be concerned in no state tinkering.

Having taken great preparatory pains in order to make a solid & lasting defence of the rights of the Province, I was desirous of being heard before the House of Commons; but on mature consideration those members who are your principal friends as well as mine were of opinion that being reduced to the state of an individual, a motion for my being heard in person wou'd be altogether improper as well as fruitless.

I am, with the greatest respect for the Hon<sup>ble</sup> the Council, Sir,

Your most obedient & most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sub>L</sub> DANFORTH, Esq<sup>R</sup>.

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THOMAS POWNALL TO JAMES BOWDOIN.

LONDON, ALBEMARLE STREET, April 11, 70.

D<sup>R</sup> SIR, — Having almost from my first entrance into y<sup>e</sup> H. of C. consider'd the mode of our proceedings there in those matters which we consider *judicially*, it occurr'd to me that adopting some measure on this maxim namely,

that legislation was conducted by *many*, judgment by *few*, would remedy those evils which were too justly complained of in our ordinary course of proceeding, & also considering that the spirit of our constitution led to tryal by *jury*, I form'd a plan of tryeing & judging in our House by forming a Committee on y<sup>e</sup> model of a jury. In y<sup>e</sup> course of y<sup>e</sup> various debates on the Middlesex election M<sup>r</sup> G. Grenville took occasion to mention our shamefull present mode of trying controverted elections & said he w<sup>d</sup> with y<sup>e</sup> approbation of the House propose a remedy on that head. The next day I calld upon him & show'd my idea. It proved to be exactly his, whereupon I was desired to be named as one of the gentlemen named to bring in the bill. The bill has passed our House & will pass y<sup>e</sup> Lords & be enacted. I send you a blank copy, because at y<sup>e</sup> time that I had it under consideration I did also consider whether something of this sort might be very beneficially applyed to your Assemblies in those proceeding where they take up y<sup>e</sup> consideration & decision of matters of property. I need not point out to you the reason why your Assemblies go into these proceedings, namely y<sup>e</sup> want of a Court of Chancery *properly established*, & I wish to avoid appeals, which proceedings are scarce regular & constitutionally safe in y<sup>e</sup> hands of a legislative body. However, to remedy y<sup>e</sup> mischeives which may arise from them, is [it?] not worth while to consider y<sup>e</sup> application of some mode of doing this business similar to the mode adopted by y<sup>e</sup> bill which I send you enclosed. I am, d<sup>r</sup> Sir,

Yo<sup>r</sup> most obed<sup>t</sup> & most humble.

T. POWNALL.

THE HON<sup>BLE</sup> JAMES BOWDOIN, ESQR.

## SAMUEL HOOD TO JAMES BOWDOIN.

HALIFAX, April 24<sup>th</sup>, 1770.

DEAR SIR,— I am favoured with the last sheet you had the goodness to fill to me, on the 3<sup>d</sup> & 31<sup>st</sup> of last month, and thank you for it very sincerely, as I do in a very particular manner for the account you sent of the truly unhappy affair of the 5<sup>th</sup>, which gave me very real concern. I have read it over very attentively, and the candid manner in which it appears to have been taken, together with the moderation and attention which has been shewn by the Town to that unfortunate man, Cap<sup>t</sup> Preston, must reflect great honor on its inhabitants in general, and I am perswaded that a continuance of similar conduct will have more happy consequences than can perhaps be looked for by those whose tempers must have been warmed. and have more immediately felt what has happened.

I perfectly agree with you that there does not appear the least foundation to believe that there was any design to attack & pillage the Custom House, and therefore it seems almost impossible that any depositions can be sent home to that effect; if there has, the deposers must have been, as you justly observe, strangely misled, or facts must have been withheld in a most extraordinary manner from you and the gentlemen joined with you to make the enquiry, which cannot be supposed possibly to happen, and I think the inhabitants of the town of Boston have shewn their wisdom by appointing so respectable a committee to investigate truths, for truths alone are able to make lasting impressions. I am very much obliged to Cap<sup>t</sup> Erving for the concern he takes in what regards me, and I entreat you will assure him of my best wishes, and that you and M<sup>rs</sup> Bowdoin will accept them from M<sup>rs</sup> Hood & me.

I am much distressed at hearing that the poor man who was wounded on board the brig Pitt Packett has in some degree lost the use of his arm, and shall be very

happy to give him a lasting and comfortable subsistence.\* There is at this time a vacancy for a cook on board one of his Majesty's ships under my command, and I have wrote to Mr Hooper of Marblehead, in whose employ the man was, as well as to Mr Adams, his counsel, tendering him a warrant for her, if he will stop the prosecution against Mr Peacock. His pay, with that of a servant he is allowed, will be twenty-five pounds a year, besides provisions for both, and the savings he will make from the usual perquisites of his office will be five pounds more. This is certain as long as he lives, and must be so much clear gains to him; for admitting him to obtain very large damages they can never be paid, as I am credibly informed that Mr Peacock could not raise fifty pounds supposing the failure would subject him to a goal during his life, being fatherless and motherless, and has nothing to support him but his pittance of pay as midshipman of the Rose. I am no further interested in this matter than from my feelings for both parties, and the desire I have to relieve them, and if you, my good Sir, will be pleased to use your influence to bring the affair to a conclusion on the terms I have proposed, you will, I am sure do a singular act of kindness to both, and in a very particular manner oblige me. I am, with great truth and esteem, dear Sir,

Your most obedient and faithfull humble servant.

SAM. HOOD.

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WILLIAM BOLLAN TO SAMUEL DANFORTH.

FLUDYER STREET, April 28<sup>th</sup>, 1770.

SIR,—The late military violence, attended with so great effusion of blood & disorder, in Boston, was so

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\* In the latter part of 1769 an attempt was made by a press-gang from the frigate Rose to take some seamen from a vessel owned in Marblehead. The seamen resisted, and in the struggle the Lieutenant of the Rose was killed, and one of the seamen was wounded in the arm. See Life and Letters of John Adams, vol. x. pp. 204, 205. — EDS.

alarming for the present, and pregnant with so great difficulties respecting the future, that it was not easy to determine what was best to be done; but on consideration one thing appeared to me proper & necessary, which was this. During this session different persons have at different times mentioned an enquiry into the military power exercised among you, and for some considerable time past Col<sup>l</sup> Gage's & other commissions have lain on the table of the House of Commons without any thing being done; and the American affairs which had been moved being carried by so great a majority against you, some of your chief friends seem'd to be clear in opinion that it wou'd be best to defer this to be consider'd with other matters in the next session, by which time it was hoped such a change wou'd be wrought as wou'd in its consequent operations be favourable to you. But, not to mention other things relative to this business, on considering the late unhappy disaster it appear'd to me necessary to make a stroke at the root of these military motions, whereupon I directly drew up a memorandum, whereof a copy is inclosed, for the use of the Lord Mayor & your other principal friends, and on the 26<sup>th</sup> inst<sup>t</sup> Mr Alder<sup>n</sup> Trecothick, having moved that the intelligence relative to the disputes between the inhabitants & the troops, with the orders sent hence within a certain space of time shou'd be laid before them, in the course of debate the Lord Mayor in strong terms charged Col<sup>l</sup> Gage's commission with being unconstitutional, unlawful and inconsistent with your Charter, and call'd upon the crown lawyers to support it, not one of whom, or any other member, undertook its defence, or said one word in its behalf in my hearing, and I continued in the House during the debate.

With respect to the late proceedings at Boston, according to my information, ministerial persons on the first advice declared them to be a revolt on the part of the inhabitants; but they seem'd afterwards inclined not to

take them up in so high a key, and on the late debate they were expressly treated as a riot & disturbance, and it being objected that the King's troops had to their dis-honour retreated from their post, the Sečry at War, if I understood him aright, said that they had not retreated thro' fear, and that there was no cause of fear, but they retreated properly on the advice of the Lt Govr & Council of the Province; that they were sent under expectation that the civil magistrate wou'd on occasion assist their operations, but being herein disappointed he did not wish them to make that return which wou'd be inefficacious, and he therefore proposed some provision to be made to supply this defect of the civil magistracy, which I in the instant understood wou'd be an infraction of your Charter & the general rights of the Colonies. His Lordship's speech being sometimes low, & my distance considerable, I can only declare my own sense of what he said, wherein I possibly may, contrary to my apprehensions, be mistaken. Upon the whole the ministerial members did not seem enclined to extremities. I am, with the greatest respect for the Hon<sup>ble</sup> the Council, Sir,

Your most obedient & most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM'L DANFORTH, ESQ<sup>R</sup>.

#### MEMORANDUM.

1. Major Gen<sup>l</sup> Gage's coñmission appointing him coñ-ander of all the King's forces employed in North America was not given in time of war to impower him to lead & coñmand the King's soldiers against his enemies, but, altho' it appears to have been taken from Maj<sup>r</sup> Gen<sup>l</sup> Amherst's coñmission, which issued in time of war, was issued in time of peace, when by the constitution of the British empire, whereof the Colonies are members, the public peace, order & justice are to be maintain'd under the direction of the laws by the civil magistrates & civil officers. without the

least interposition of any military men at their discretion, whose subservience to the civil power is ever to be preserved.

2. In every Colony which hath no special regimen formed by charter the King is Governour, and the person whom thro' necessity of the local exercise of the powers of government he deputes to govern for & under him is his *locum tenens* and the immediate governour of all men within that colony, who being all to be governed by the coñon statute, or provincial law, unalterable by the power of the Crown, as the case requires, the King by his judges dispenses justice to his subjects there, and by his governour regulates, orders, & directs other affairs of government.

3. The King by letters patent appoints the Governour of the Province of Massachusetts Bay, according to their Charter granted by King William & Queen Mary, which the King cannot by any coñission rescind in the whole or in part, and which unites the chief civil & military authority in the Governour, and provides that he with seven or more of the assistants or counsellors constituted pursuant to the Charter may from time to time hold a Council for the ordering & directing the affairs of the Province.

4. Nevertheless in consequence of the coñission given to Gen<sup>l</sup> Gage, which requires all the Governours & civil officers in the Colonies to be aiding & assisting to him, and of various errors, the military forces placed at Boston in the said Province and the Governour have mutually disclaimed his authority over them, so that numerous bodies of military men are now subsisting in the Colonies independent of the civil government to the great danger of the coñon-weal.

WILLIAM BOLLAN TO SAMUEL DANFORTH.

FLUDYER STREET, May 1<sup>st</sup>, 1770.

SIR, — I have very lately been informed that measures have been taken, the particulars whereof I cou'd not learn, for geting the intelligence transmited for the Province service; how far this kind of proceeding may prejudice that service & the parties concern'd, needs not be mentioned; and, on the other hand, I have been censured for obtaining & sending copies of Gov<sup>r</sup> Bernard's letters, altho' I obtained them in the same manner wherein from time to time I obtain'd copies of papers in my former agencies. The first parcel sent by direction of a knight of the shire for the county of Wilts, and the second by direction of the present Lord Mayor. The clerk wou'd have had me receive the latter copies without his authentication, which with difficulty I obtain'd. The point first mentioned occasions my present writing to acquaint you with the matter, and to desire that my letter of the 28<sup>th</sup> ult<sup>mo</sup> may be consider'd as a letter to you, whose contents are only to be communicated to the members of the Council, without the letter's being subjected to inspection, or copies of it taken by any others. On signing this I shall directly set out for Gravesend, to forward it with the former. I am, with great respect, S<sup>r</sup>,

Your most obedient humble servant.

W. BOLLAN.

P. S. Pray do not let this matter be divulged.

THE HON. SAM<sup>e</sup> DANFORTH Esq<sup>rs</sup>.

## WILLIAM BOLLAN TO SAMUEL DANFORTH.

FLUDYER STREET, May 11<sup>th</sup>, 1770.

SIR,—On the 8<sup>th</sup> instant Gov<sup>r</sup> Pownall made a motion whereof you have a copy, taken from that which he sent me, in the progress whereof the Lord Mayor declared, as he had done before, Gen<sup>l</sup> Gage's comiss<sup>n</sup> unconstitutional, to which it was answer'd, without any avowal of its legality, that the first comission of this sort was form'd under the inspection of Lord Hardwick, and that the present comission had six weeks before been refered to the Attorney & Sollicitor General for their opinions which had not yet been given.

I was unwilling to suffer in silence under censure for obtaining and transmitting copies of those letters which so nearly concerned the welfare of the Province, and therefore drew up a petition, whereof you have a copy inclosed. I much doubted whether it was presentable according to the orders of the House; but in that case it might serve for instruction. On shewing it to the Lord Mayor, he said it could not be presented, but wou'd answer the purpose aforementioned; and in the course of the debate he complained that you had been condemned unheard, and that a friend of his had been censured for taking copies necessary to your defence, and his Lordship having given a written direction for the chief part of them, he frankly took the matter upon himself.

The inclosed votes will shew you what was done the next day, when the right of taxation or the present American military comission was not mentioned. The opposition to the Ministry being composed in part of persons formerly concerned in measures prejudicial to the Colonies, I was informed beforehand that they intended to consider only the late proceedings without the least hopes of success.

The inclosed public paper containing an essay sign'd

Creon, being said to be written by a gentleman in the administration I send it.

From what passed on the 8<sup>th</sup> I understood that the troops were intended to be withdrawn; but political measures at present are extremely uncertain, and those lately taken have not transpired as usual. The present state of the Province service in my humble opinion plainly requires what I before hastily mentioned, that your intelligence shou'd not be echoed back here. I am, with the greatest respect, Sir,

Your most obedient & most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, Esq<sup>n</sup>.

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WILLIAM BOLLAN TO JAMES BOWDOIN AND OTHERS.

FLUDYER STREET, WESTM<sup>A</sup>, May 11<sup>th</sup>, 1770.

GENTLEMEN,— Your letter relating to the late military massacre at Boston, which I had the honour to receive by express, was accompanied with such ample proofs, consider'd in point of number, matter, candour, propriety, & fairness of caption, that I flatter myself they will in time prevail, and establish the truth in the minds of all honest men, maugre all the attempts made with art & solicitude to represent the inhabitants as the aggressors. I had some hopes of geting the authentic copies laid before the House of Comons for consideration in this session, with the other papers laid before them; but they are vanished, and the Parliament will rise in a short time. From what was openly said not long since I understood the troops wou'd be removed, but the times abound with uncertainty as well as difficulty. I have the honour to be with great respect, and the sincerest wishes for the welfare of the town, Gentlemen.

Your most obedient humble servant.

W. BOLLAN.

P. S. Capt<sup>a</sup> Gard'ner staid here by my direction til this day, in order to promote the public service by his examination in the House of Commons, or otherwise, as occasion shou'd require.

JA<sup>s</sup> BOWDOIN, Esq<sup>r</sup> & OTHERS, a com<sup>tee</sup> of the town of Boston.

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BARLOW TRECOTHICK\* TO THE COMMITTEE OF THE  
TOWN OF BOSTON.

GENTLEMEN,—I have already done myself the honor to write to you by this conveyance. Just now in a conversation with the Duke of Richmond, his Grace (on every occasion a constitutional friend & patron of America) suggested an idea w<sup>ch</sup> if adopted must not only refute every calumny on the humanity, but also stamp a character of generosity & magnanimity on the inhabitants of Boston, as well as evince their affection to the mother country & the most sincere desire to make advances towards a full reconciliation. The idea is this: That in case Cap<sup>t</sup> Preston & the soldiers, or any of them, should be sentenced to death, the inhabitants do in a public town meeting agree on an address to the Gov<sup>r</sup> to suspend their execution, & to convey to his Majesty their humble request that he will be pleased to extend his royal mercy & pardon them.

This procedure will be consistent w<sup>th</sup> every rule of moral & religious virtue, & would afford such an opportunity to government of making ample & graceful returns of favor as may be effectual to the case of all our subsisting differences & fully restore that cordial affection

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\* Barlow Trecotthick was an influential merchant in London, as well as one of the aldermen and a member of Parliament. He had been a resident in Boston, where he had taken a prominent part in the management of the affairs of King's Chapel. While living in Boston he was married, March 2, 1746-7, to Grizel, daughter of Charles Apthorp, and a friend and correspondent of Mrs. John Temple. He died in London, June 2, 1775. See Foote's Annals of King's Chapel, vol. i. p. 523; vol. ii. p. 69, note.—EDS.

& attachment on both sides w<sup>ch</sup> only can establish public peace & general security. I am, with the greatest respect, Gent<sup>n</sup>,

Yor<sup>r</sup> most obed. hum. serv<sup>t</sup>,

BARLOW TRECOTHICK.

HOUSE OF COMMONS, 16<sup>th</sup> May, 1770.

Inclosed I send you copy of resolutions to be moved for by his Grace, supported by all y<sup>r</sup> other friends in the House of Peers, on Fryday next. Parliament is to be prorogued on Saturday the 19<sup>th</sup> instant. My Lord Duke desires me to add that he shall esteem himself particularly fortunate if this suggestion of his is adopted, as he hopes the greatest good might result from so generous & manly a proceeding, & altho' he has always been attached to America, thinking they have met with hard treatment, & will ever be zealous that Great Britain should recover & preserve the affections of the Americans by good usage, w<sup>ch</sup> he thinks the only tye that can be lasting, yet if this plan could be pursued he should think himself doubly bound by the tie of gratitude to promote on all occasions their true interests which must ever be the same with those of Great Britain.

TO THE GENT<sup>S</sup> OF THE COMITTEE OF THE TOWN OF BOSTON.

#### RESOLUTIONS.

1. Resolved. That in several of his Majesties Colonies in North America, disorders have of late prevailed, prejudicial to the trade and commerce of this kingdom & destructive to the peace & prosperity of the said Colonies.

2. Resolved, That the letter of the Earl of Hillsborough of the 22<sup>d</sup> of April, 1768, to Francis Bernard, Esq<sup>r</sup>. Governor of the Massachusetts Bay was a common office letter without any particular mark or special direction for keeping the same or any part of the same secret.

3. Resolved, that it does not appear that any direction

of secrecy had been given in any seperate letter or paper transmitted with the said letter.

4. Resolved, That said letter did contain an order for dissolving the Assembly of the Province of Massachusetts Bay upon their refusal to comply with certain propositions.

5. Resolved, That Gov<sup>r</sup> Bernard did lay the said propositions before the Assembly, and did threaten the said Assembly with a dissolution & its consequences, and did in vindication and support of such proceedings lay before the Assembly the said letter of the Earl of Hillsborough.

6. Resolved, That the directing the dissolution of the Assemblies of North America upon their refusal to comply with certain propositions operated as a menace, injurious to the deliberative capacity of the Assemblies, excited discontent, and contributed to produce unjustifiable combinations.

7. Resolved, That the Assemblies of North America having been dissolved for not disavowing or discountenancing certain combinations, the suffering new Assemblies to sit without disavowing or discountenancing the said combinations, was a proceeding full of inconsistency, and tending to lower in the minds of his Majesty's subjects in America all opinion of the wisdom & firmness of his Majesty's councils.

8. Resolved, That Lord Botetourt, his Majesty's Governor of the Province of Virginia, was instructed by a letter from the Earl of Hillsborough in the following words, — "His Majesty relays upon your prudence and fidelity for such an explication of his measures, &c."

9. Resolved, That these his Majesty's measures appear by the said letter to be measures concerning the distinction of certain principles of taxation and the repeal of certain taxes imposed by authority of Parliament.

10. Resolved, That in consequence of the said instructions Lord Botetourt was authorised (as far as a letter of

a Secretary of State was authority) to state these measures as his Majesty's measures, and to explain the same according to his notions of prudence.

11. Resolved, That Lord Botetourt did accordingly assure the Assembly that his Majesty would rather lose his Crown than preserve it by deceit.

12. Resolved, That this declaration is highly improper, inasmuch as it is personally involving his Majesty in the measures of his Ministers.

13. Resolved, That the said assurance related to the repeal of certain taxes and the distinction of certain duties.

14. Resolved, That it is unwarrantable, of dangerous consequence, and an high breach of the privilege of Parliament to promise to the Assemblies in North America the interposition or influence of his Majesty or of his confidential servants with Parliament in any manner which may tend to create an opinion in those Assemblies that such interposition or influence must necessarily bring on a repeal of any duties or taxes laid or to be laid by authority of Parliament.

15. Resolved, That it is highly derogatory from his Majesty's honor and from the freedom of Parliamentary deliberation to pledge the faith of the Crown to the said Assemblies for the repealing or laying on, or continuing, or not laying of any taxes or duties whatsoever.

16. Resolved, That to give assurances in his Majesty's name distinguishing certain principles of taxation & disclaiming an intention to propose any taxes within the said description in order to establish and justify unwarrantable distinctions has a tendency further to disturb the minds of his Majesty's subjects in America & to weaken the authority of lawfull government.

17. Resolved, That to lay before this House suggestions of treason or misprision of treason subsisting in America in order to bring this House into a plan for the repressing

& punishing such supposed treasons & misprisions of treason when in reality no such treasons or misprisions of treason did subsist, or if they did subsist, no measures whatsoever have been taken or appear to have been intended for apprehending & punishing the persons concerned in the same, is an audacious insult on the dignity of Parliament, & in its consequences tends either to bring a reflexion on the wisdom and justice of Parliament, or to encourage treasons and treasonable practices by neglecting to carry into execution measures recommended by Parliament.

18. Resolved, That these many ill-judged & inconsistent proceedings have been a principal cause of the aforesaid disorders.

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WILLIAM BOLLAN TO SAMUEL DANFORTH.

FLUDYER STREET, May 19<sup>th</sup>, 1770.

SIR,— Yesterday was appointed for Lord Chatham to make a motion respecting the state of America ; but his Lordship was so far indisposed that he cou'd not attend ; nevertheless the papers laid before the House were read, after which the Duke of Richmond proposed questions of the same general nature with those which were proposed in the House of Commons on the 9<sup>th</sup> inst<sup>t</sup>, whereupon Lord Hillsborough made a motion to adjourn, which was supported by a great majority, so these questions will not be enter'd in the journals. I say this wholly from information, for the door-keeper on my application told me that according to the orders given no Lord cou'd carry with him any person into the House, that he cou'd not desire any Lord to come out to any body, nor carry in any paper to any of their Lordships. This day the Parliament was prorogued.

The new extraordinary powers given to the Courts of Admiralty in the colonies being, in my opinion, not only unconstitutional & derogatory of your provincial powers of judicature, but likewise rendered grievous by proceedings relative to execution inconsistent in several cases with the civil as well as common law, according to the representations contained in the merchants' observations, the Province service, as well as the interest of the merchants, I conceive, requires that authentic copies be sent of the whole proceedings in some of the cases most notorious for the hardships suffered by the defendants. The irregular & groundless prosecution of Mr Hancock, in order to subject him to large penalties, is plainly one of those cases. Copies of the like prosecutions against Mr Gray & others may also be serviceable, with copies of the proceedings to condemnation of the two coasting vessels for trifling causes ; and I shall write by this ship to the committee of merch<sup>ts</sup> hereupon. It is needless to say that allegations without proper proofs ready to support them rather disserve than advance a cause when redress is sought from proper authority. In a casual conversation which I lately had with one of the Lords of Trade he mentioned a Court of Exchequer as proper for trial of commercial offenses, upon which I observed that your Superior Court having proper authority, I had as counsel been concern'd in obtaining several verdicts in such cases in favour of the King, &c.

Some of the colonies, I am inform'd, have committees of correspondence with their agents, in order to prevent on occasion any of their mutual communications being made known to their prejudise. I am, with great respect, Sir,

Your most obedient & most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, ESQ<sup>R</sup>.

THOMAS POWNALL TO THE COMMITTEE OF THE TOWN  
OF BOSTON.

LONDON, June —, 70.

GENTLEMEN,— My last letters to you in answer to yours of March were dated May 11, & were sent by Cap<sup>t</sup> Gardiner. I hope you have received them safe, & that they will have had their effect in recommending you to act with moderation & mercy rather than to exact severe justice in the case of Cap<sup>t</sup> Preston & the soldiers. I therein also acquainted you that as Ministry, in answer to the arguments on which I supported my motion respecting y<sup>e</sup> army establishment in America, had declared that his M——y had given orders to have y<sup>e</sup> state of that establishment referrd to y<sup>e</sup> Crown lawyers upon y<sup>e</sup> points of doubt in law & government which had arisen, I thought it would be prudent as well as just to believe that they were in earnest & meant fairly ; to give them credit & to hold them pledged by thus crediting ; suspending in the mean time all opposition on that point, to meet them on that ground of reconciliation & reunion which a revision of that point might give. And I do verily believe that if Lord North's good sense & integrity could have their full operation all might be reconciled ; but, that I may not draw you into a dangerous security by my former advice to you to suspend all fear, I think it now my duty to say that I have my fears that if y<sup>e</sup> case of y<sup>e</sup> franchises & rights of the Americans & of the constitutions of their governments is not duly stated (upon which case only so as it is stated will a lawyer give his opinion), the opinions of the Crown lawyers may be aberrant from truth, contradictory to right, & dangerous & delusive in practice. If what I have heard be true that the case has been once so stated, & such opinions given thereon that it hath been thought necessary to have a new case or fresh matter

stated, I have a right to doubt any good coming from such opinions. And if those who should state these cases are so uninformed of the right & actual case as to be liable to indecision in y<sup>e</sup> stating, they may receive opinions armed with which they may think themselves justified in law when they are acting in direct violation of y<sup>e</sup> rights & constitutions of y<sup>e</sup> Colonies as by law established, as I think the giving the command of any land forces (posted within y<sup>e</sup> limitts of the jurisdiction of any Province) to any other commander than to y<sup>e</sup> King's locum tenens, the supream civil magistrate, would be. You already know my opinion on that head. I speak as an Englishman of y<sup>e</sup> realm, wishing to guard my country and my countrymen here of y<sup>e</sup> realm against that most dangerous, pestilential of all diseases in y<sup>e</sup> civil constitution, military power. It is most dangerous when it first seizes y<sup>e</sup> extremities, & more especially so, when it appears in its first symptoms as a remedial crisis of some supposed disease in y<sup>e</sup> community, of some supposed defect in the civil authority. In such cases while you keep strictly within the bounds of duty, scrupulously within y<sup>e</sup> line of law, clear (both as a body corporate & as subjects in your individuality) of all possibility, by legal charge, of imputation of non usage or abuse of your franchises, you certainly have a right by all legal courses in your courts of law, by all constitutional means in your general assemblies, to oppose & object to y<sup>e</sup> establishment of a military force within y<sup>e</sup> limitts of your Province which is not under y<sup>e</sup> command of your Governor, the supream civil magistrate as the King's locum tenens. Under this general head I think some events which have taken place in y<sup>e</sup> Province, & some stepps proposed in consequence of them, will bring on a nice & intricate question touching the command of Castle William, so nice & so intricate that I do not know what terms to use in the stating of it. Should a measure talked of ever be carried into execution, that also would bring forward a like

difficulty under y<sup>e</sup> same question, — I mean y<sup>e</sup> building a citadel on Fort Hill.

The whole tenor of my correspondence with my freinds in America, & of my advice to those here who would give me the hearing, has been trying to form some line of reconciliation & reunion, & from time to time as y<sup>e</sup> cases changed to advise each party by conceding somewhat to take such ground as might meet that line. But I find that I have been the dupe of my own good wishes. The great men here despise my advice, & I see enough both in the ignorance & in y<sup>e</sup> bad temper of men never more to advise any thing but that (entrenching yourselves in y<sup>e</sup> rights of Englishmen as your citadel & within your Charter rights as works which guard that citadel in America) you take special & more than ordinary care that no advantage is taken against you by your advancing any works beyond y<sup>e</sup> ground that those rights extend to, nor by y<sup>e</sup> conduct of your people, whereby it may be charged against you that either the peace is not kept, or that you have abused your franchises, or that the jurisdiction of the civil magistrate is not exerted to the support of government, which you are bound to maintain under penalty of forfeiture of those franchises. You will see how necessary this advice is when you hear that the Privy Council have been sitting several daies in examination of, & in deliberation (as it is said) upon. y<sup>e</sup> affairs of Boston & of y<sup>e</sup> Province [of] Massachusetts Bay. They have examined many persons upon oath as to y<sup>e</sup> state of the peace & of government there. They have had, as I have heard, an authentic copy of some incautious letter said to be written from y<sup>e</sup> town of Boston to Salem. The persons whom I have heard mentioned as examined are S<sup>r</sup> F. Bernard, M<sup>r</sup> Harrison, M<sup>r</sup> Robinson, Cap<sup>t</sup> Scott, & a young man lately come from Boston whose name is Bridgeman. The points to which these examinations pointed were y<sup>e</sup> state of the peace & of government at Boston, whether y<sup>e</sup> Crown,

officers could find protection in carrying on the business of the Crown, &c. I understand that this step has been taken in order that they may be grounded *in facts* when they shall come to advise his Majesty what course to take in these affairs, either as acting in y<sup>e</sup> executive line or as preparing some plan of measures to be proposed to Parliament. But candor here will ask what kind of *ground in facts* can such an evidence taken *ex parte* & founded rather in opinion than testimony give? However upon such like grounds they are to form their plan which is to be hereafter proposed, & in y<sup>e</sup> mean while certain measures are to be taken as preventive only. Various are y<sup>e</sup> conjectures & rumors which are circulating as to what is intended.

Some say y<sup>e</sup> general rendevous of the fleet is to be at Boston, & that your trade will be putt under a restraint more strict than usual, & more so than is observed elsewhere. I can scarce credit this; yet think it right to mention it as a caution to you.

The fixing the Custom House at Castle Island is a measure that hath been suggested, but this seems too foolish, & yet I will not say but it may be true.

Now if upon y<sup>e</sup> grounds which Ministry shall take they should be able to state it as a case, That within y<sup>e</sup> jurisdiction of the Province the peace is not preserved; that y<sup>e</sup> subject is not protected in his property, the servant of y<sup>e</sup> Crown in his office; that there hath been a non usage on one hand & an abuse on y<sup>e</sup> other of your franchises; — your Charter itself may be attacked by a writt of quo warranto from y<sup>e</sup> courts, or by some act in Parliament. Nay, if no legal prosecution wou'd lye against you, yet on grounds of general policy & expediency some alterations (as for instance in your Council) may be meditated & advised. You ought therefore to have here a proper agent & also a *legal attorney* to appear for you in the Courts. Remember how your last Charter was lost by

default of appearance. One part also of the plan talked of, & I beleive intended, is to give to your Governors more extensive & independent salaries. If it is meant thereby to make y<sup>e</sup> government *exterior* in its principle I need not here repeat an opinion which I have so fully given on this head in Parliament.

However, notwithstanding all this, if you take y<sup>e</sup> common precautions & act with no more than common sense & keep your temper, I shall have no great fears for you. Yet to be forewarnd is y<sup>e</sup> first step to security. I am with respect & affection to y<sup>e</sup> town & Province, Gentlemen,

Y<sup>r</sup> friend & serv<sup>t</sup>.

T. POWNALL.

THOMAS HOLLIS\* TO JAMES BOWDOIN AND OTHERS.

PALM<sup>A</sup>L, June 18, 1770.

GENTLEMEN,

The packet, with a *duplicate* letter, dated March 23, 1770, was received this day.

I shall be proud, at all times, to shew respect to the people of the Town of Boston, and Province of Massachusetts, believing them to be a virtuous, loyal and magnanimous people. But, so ordinary a person am I, and so very a Whig, that I do not apprehend I can be of other use to them, than to send them a few books occasionally for their College. I have the honor to be, Gentlemen,

Your most humble servant

T. HOLLIS.

THE HON. JAMES BOWDOIN, DR. JOSEPH WARREN, and SAMUEL PEMBERTON, ESQ., at Boston, in New England.

\* Grand-nephew of the eminent benefactor of Harvard College. He was born in 1720, and died in 1774. He lived most of his life in seclusion, and attended no church, though he is described as a person of unusual piety. He was greatly interested in literature, and made numerous and important gifts to Harvard College. At his death he left his property to Thomas Brand, who took the name of Hollis. See Dictionary of National Biography, vol. xxvii. pp. 176, 177; Quincy's Hist. of Harvard University, vol. ii. pp. 144-147.—Eds.

JAMES BOWDOIN TO SAMUEL HOOD.

BOSTON, July 7, 1770.

DEAR SIR,—The latest intelligence from England was rec'd here last evening by Capt. Gardiner, who was sent thither express with the town's dispatches on y<sup>e</sup> subject of the late massacre. The representations of that affair contained in y<sup>e</sup> papers that went by M<sup>r</sup> Robson occasioned great resentment to be expressed against y<sup>e</sup> town, and regiments and men-of-war were at least talked of to be sent hither in consequence of it. But on Gardiner's arrival and delivering his dispatches y<sup>e</sup> resentment subsided, and an end was put to the design of sending troops and men-of-war. There are several letters in answer to our dispatches, in one of which from a member of Parliament dated May 11<sup>th</sup> it is said that as the troops are withdrawn from the town the ministry have given assurances that they shall not return, unless they shall be required by the civil magistrates, which, he adds, is a thing not likely to happen. This will be some disappointment to the Commissioners who, it seems, are making one more effort to procure troops under color of safety; they have again betaken themselves to the Castle, and are playing y<sup>e</sup> same farce over again as was played off in 1768. But they would have been as safe here as they could be anywhere; perhaps safer, not because they have given y<sup>e</sup> people here reason to have any particular affection for them, but because it was conceived they were desirous of some insult, in order to urge therefrom y<sup>e</sup> necessity of quartering troops upon the town, in which case there was no disposition to oblige them, and because it was apprehended their own conduct would procure the dissolution of their Board. You can be no stranger to their conduct since the 5<sup>th</sup> of March. It has been so very absurd, that 'tis thought they were in distress for something to cover it, some at-

tack upon them, though made out of due time, to justify it. Hence it is pretty generally believed that the breaking of Mr H's windows at Brooklyn \* and the nominal or real assault upon Mr Comptrolr Pr † were executed, or procured to be executed, by the outdoor people of the Custom House. But supposing they had no previous knowledge of it, such a trifling affair could afford no reason for the Commissioners running away to the Castle, any more than y<sup>e</sup> soldiers killing a number of persons on the 5<sup>th</sup> of March could be a reason for their removing a few miles out of town & discontinuing their Board. What effect their new representations will produce a few months will discover. So long as such men are continued in offices in America, it may be expected animosities between Britain and the Colonies will continue, even if all the late revenue laws were repealed.

When I rec<sup>d</sup> y<sup>r</sup> last favour (of y<sup>e</sup> 24<sup>th</sup> of April) &c., abt Mr Peacock's affair, &c.

I have y<sup>e</sup> honor to be

Y<sup>rs</sup>, &c.

J. BOWDOIN.

TO SAM<sup>L</sup> HOOD, COMODORE, AT HALIFAX.

THOMAS POWNALL TO JAMES BOWDOIN.

LONDON, July 10, '70.

D<sup>R</sup> SIR,—I sitt down & write by this vessel w<sup>ch</sup> sails to-morrow to acquaint you that I wrote to you by y<sup>e</sup> packett; y<sup>e</sup> mail went from London for Falmouth last

\* Henry Hulton, one of the Commissioners of the Customs. On the evacuation of Boston he went to Halifax with the British troops, and afterward to England, where he died in 1790. (See Sabine's American Loyalists, vol. i. p. 554.) The Boston Evening-Post of June 25, 1770, says, — "We hear from Brookline, that on Tuesday Night last, between 11 and 12 o'Clock, the Windows of the Dwelling-House of Mr. Hulton, one of the Commissioners of the Customs, were broke by Persons unknown. Upon Complaint made by Mr. Hulton, his Honor the Lieutenant-Governor, with the Advice of his Majesty's Council, has issued a Proclamation offering a Reward of £50 for the Discovery of the Offenders. We hear Mr. Hulton has since retired to the Castle." — EDS.

† James Porter, Comptroller-General of the Customs. He left Boston, with the British army, in March, 1776. — EDS.

Saturday. I enclosed in that letter one for y<sup>e</sup> Committees of y<sup>e</sup> town of Boston who had written to me in March, which I beggd the favor of you to communicate to them. I shall in a few daies write by a safe hand & will apprise you of all that has been under planning & is intended, with my sentiments thereon. I write this only to acquaint you that if you or any of my freinds wrote any letters to me or to D<sup>r</sup> Franklin by y<sup>e</sup> Lydia, Capt Scott, by y<sup>e</sup> Thomas, Cap<sup>t</sup> Davis, or y<sup>e</sup> Susannah, C<sup>t</sup> Johnson, none are come to hand, & to suggest to you & our freinds not to come to any premature resolutions or decisions 'till you are fully apprized of y<sup>e</sup> ground your affairs are likely to be sett on, which you shall be by one who loves y<sup>e</sup> people he was once connected with, & from a real knowledge of your good heart & excellent head is, with every sentiment of esteem,

Your affect. freind & ser.

T. POWNALL.

THE HON<sup>L</sup> JAMES BOWDOIN, Esq.

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THOMAS POWNALL TO JAMES BOWDOIN.

LONDON, July 14, '70.

To Y<sup>E</sup> HON<sup>BLE</sup> JAMES BOWDOIN, Esq.: D<sup>R</sup> SIR, — I wrote to you on y<sup>e</sup> 7<sup>th</sup> instant, enclosing a letter to y<sup>e</sup> gentlemen of y<sup>e</sup> Committees of y<sup>e</sup> Town of Boston who had written to me on y<sup>e</sup> affairs of that Town & of y<sup>e</sup> Province; a duplicate is enclosed under y<sup>e</sup> same cover with this. I had been more explicit & particular than, upon consultation with a freind, a considerable lawyer, was thought safe, considering the exceeding maliciousness & violence of bad men who have power, & that I am one marked as an American partizan. I feel so much & fear so much for general liberty, & for that of America in particular, that, would my private domestic connections have permitted it, I would have come this summer to

Boston to have had some communication & explanation with my freinds there. Advice must be grounded on y<sup>e</sup> real & actual state of things & of measures, & yet it is not safe alway to state y<sup>e</sup> one or to point out y<sup>e</sup> other. This is more particularly y<sup>e</sup> case at present. However, I think I cannot be misunderstood by my friends, nor misinterpreted by my enemies.

I have been alway advising my freinds in America to concessions, flattering myself that I saw some hopes that there was a temper which w<sup>d</sup> make some here ; but I have been deceived. Those who think themselves *absolutely right* do not think they could be justfyed in making any concessions wherein they think they should give up y<sup>e</sup> rights of government. Those of two contending parties who think they have y<sup>e</sup> power will seldom have y<sup>e</sup> candor & good sense to give up part, so as to retain y<sup>e</sup> rest undisputed. Hence those who are weakest seldom think it safe to make concessions, especially if such are to give up any thing that may abate their right, or lessen their legal ability to prosecute that right. Upon these grounds, I tell you fairly, I have lost all hopes of any accommodation. The advice contained in the enclosed memorandum was given & explained from some hopes which I thought I saw in y<sup>e</sup> good sense & good disposition of L<sup>d</sup> North of accommodation & of a wish to take reconciling healing measures. I still retain my opinion of his good wishes & good intentions, but alas, he has not power to do y<sup>e</sup> good he would, while others take y<sup>e</sup> lead. I send you a copy of it that by seing what will not be accepted here, you may be y<sup>e</sup> better apprised what you have to trust to. You will see that I confined my conversation, opinions, & advice to y<sup>e</sup> three points on which my friends of y<sup>e</sup> town & Province express their most earnest wishes, 1. y<sup>e</sup> revenue laws ; 2. the military ; 3 y<sup>e</sup> Commissioners of the Custom in America.

I think I may venture to apprise you that the plan

is certainly, to alter your Charter; to make y<sup>e</sup> Council derive from y<sup>e</sup> nomination of the Crown, instead of arising from election. The dividing y<sup>e</sup> legislative from y<sup>e</sup> Privy Council hath been talked of. The first to be *quamdiu se bene gesserit*; y<sup>e</sup> other to be *durante bene placito*. The giving your Governors, &c., independent salaries is, I believe, certainly intended. Whether any alteration in your Charter as to y<sup>e</sup> command of y<sup>e</sup> military is intended I have not learned, but suspect it, & think it a most dangerous one, if y<sup>e</sup> command is made exterior of & paramount to the civil. And yet upon these plans of attack & alteration, I cannot but be of opinion, that if Ministry remember y<sup>e</sup> precedents of James y<sup>e</sup> 2<sup>d</sup>, when he attacked y<sup>e</sup> charters of corporations, they will not venture to bring your affairs into y<sup>e</sup> courts of law; for they cannot judge your charter to be vacated on any grounds which may not extend to every charter within y<sup>e</sup> realm. Lett them then consider what a spirit of alarm & terror they will spread through y<sup>e</sup> land, *proximus ardet Ucalegon* will make it every man's case. And if they attempt y<sup>e</sup> moving of old boundaries & make alterations upon subsequent ideas of expediency & policy, that will lay open a ground on which every Charter & grant of every kind may be dissolved. If Ministers mean thus to attack you, & do attack you in your rights, read over y<sup>e</sup> precedents in Charles y<sup>e</sup> 1<sup>st</sup> time as to y<sup>e</sup> method by which y<sup>e</sup> Irish attacked Ministers who attempted innovations on their constitution, & particularly by y<sup>e</sup> military line, you will find that they *appointed commissioners*, arm'd with proper evidence to make good a charge against them, when y<sup>e</sup> times permitted it. I should be glad to have your opinion on this head. Whenever it shall be necessary to appoint such commissioners & y<sup>e</sup> times permitt it you must join some freinds here in such commission whom you can trust & have a confidence in, that understand y<sup>e</sup> mode of doing business here.

On y<sup>e</sup> subject of alterations in your Charter, would it not be a wise step for you yourselves to take up some measure of incorporating by an act of your own your townships or districts into some *form of magistracy*, so as to secure y<sup>e</sup> form agreeable to yourselves & suitable to your Charter privileges, lest some such form as w<sup>d</sup> not suit, and such as you w<sup>d</sup> not like, might be imposed upon you by some other act ?

I think in the present crisis of danger & difficulty, you ought to excuse no town from sending their representatives to General Court. All ought to attend.

You will hear that L<sup>d</sup> Hillsborough has taken M<sup>r</sup> Knox \* as his Under Secretary. This is y<sup>e</sup> gentleman who wrote expressly against y<sup>e</sup> Americans in a flippant pamphlet. This cannot but be a marking symptom. Lett me hear from you. Pray make my respects to all friends, particularly to those I used to meet at your house & to those of your own family. I am, d<sup>r</sup> Sir,

Y<sup>r</sup> affec. friend.

T. POWNALL.

#### CONVERSATION BETWEEN LORD NORTH AND GOVERNOR POWNALL.

June y<sup>e</sup> 5<sup>th</sup>, 1770.

Mem<sup>o</sup> of a Conversation.

. . . . . pointed out in general as the ground & principles whereon he shou'd establish what he afterwards spoke to, the different operation of internal & external government.

Confin'd y<sup>e</sup> conversation in particular to the three following points.

\* William Knox was born in Ireland in 1732, was Under Secretary of State from 1770 to 1782, and died in England, Aug. 25, 1810. He was a zealous advocate of the claims of the mother country in the disputes with the Colonies, and published numerous tracts and volumes on the subject. See N. Y. Col. Docs., vol. viii., pp. 803, 804, note. — Eds.

1<sup>st</sup>. Recommended such a revision of y<sup>e</sup> laws for y<sup>e</sup> regulation of y<sup>e</sup> American trade & of those laying duties, as that by throwing all into one on a constitutional ground the causes of complaint made by y<sup>e</sup> Colonies might be remov'd, & yet government here not dishonor'd by express concessions, if they thought the concessions made by a repeal of any law such dishonor. Because such general law form'd on a new plan, & framed & conducted on commercial purposes, all y<sup>e</sup> parts in y<sup>e</sup> old laws w<sup>ch</sup> gave offence would fall of course & yet such express repeal be avoided. Gov<sup>t</sup> might then on this new ground take y<sup>e</sup> line w<sup>ch</sup> distinguishes y<sup>e</sup> imposing taxes on any property lyeing within & being y<sup>e</sup> property of subjects of a jurisdiction lyeing & being without the realm so imposing y<sup>e</sup> taxes, from y<sup>e</sup> imposts & duties laid on property & being without the limitts of that jurisdiction, & laying & being either within & of y<sup>e</sup> realm or passing thro' y<sup>e</sup> seas whereto y<sup>e</sup> rights of that jurisdiction do not extend & where such property must pass under y<sup>e</sup> such regulations as y<sup>e</sup> sovereignty there permitting & protecting it shall prescribe. That taking this line of distinction without any express declaration of rights, & leaving out all declarations w<sup>ch</sup> appropriate y<sup>e</sup> summs rais'd to y<sup>e</sup> purpose of revenue & for y<sup>e</sup> support of government independent of y<sup>e</sup> grants of y<sup>e</sup> people, &c., such a revision & such a plan of laws of trade might lead to reconciliation & union betwixt y<sup>e</sup> mother country & y<sup>e</sup> Colonies.

II. That the people of America wou'd never acquiesce, howsoever they might be reduc'd to submitt, under the establishment of a standing army rais'd & kept up without communication w<sup>th</sup> y<sup>e</sup> will of their respective communities & commanded independent of & paramount to their supream civil magistrate. That they wou'd alway consider such army as foreign to their jurisdiction, as an external force, *not y<sup>e</sup> force of the community*, that the civil jurisdiction, thus thinking, wou'd not only not aid, but from a necessary &

constitutional jealousy wou'd by all legal courses & by all constitutional methods obstruct & counteract that state & establishment of the military in every line whose direction proceeded *ab extra*.

That y<sup>e</sup> people of these American jurisdictions conceiving that taxes were imposed on them by an exertion of authority for purposes of revenue, independent of their free grants, and that a military force (which was no part of y<sup>e</sup> force of y<sup>e</sup> community) was collected *ab extra*, wou'd never be induc'd on any further occasion by any requisition whatever to raise a revenue for these same purposes, nor to create a military in addition to this already establish'd, whose establishment they do not acquiesce under. That the attempt to maintain this establishment of y<sup>e</sup> military wou'd involve y<sup>e</sup> government of y<sup>e</sup> mother country in a dispute as entangled & intricate & as obstinately urg'd & carried to as dangerous lengths as y<sup>e</sup> dispute on taxation. That all this might be avoided by putting this matter of government on its right basis, that is, by government's applying by requisition to y<sup>e</sup> several Colonies to raise each, in proportion to y<sup>e</sup> necessity of the service & to their abilities, a certain number of men, upon y<sup>e</sup> same terms precisely, & in y<sup>e</sup> same manner, as Ireland doth; & by settling it as y<sup>e</sup> proper measure of Colony administration that those several bodies of men thus rais'd by each Colony shou'd be under y<sup>e</sup> jurisdiction while within y<sup>e</sup> precincts of it, precisely & exactly as y<sup>e</sup> troops in Ireland are under y<sup>e</sup> jurisdiction of that kingdom, & under y<sup>e</sup> military command of y<sup>e</sup> supream civil commander. Yet, nevertheless, wherever & in whatever manner it shou'd be necessary to collect these several bodies into one command, that then some civil officer in time of peace, or a military commander-in-chief in time of war, might have y<sup>e</sup> same power to command these exactly & precisely as y<sup>e</sup> state holder in y<sup>e</sup> Seven United Provinces (*mutatis mutandis*) commands y<sup>e</sup> several troops of y<sup>e</sup> several provinces, when employ'd

as y<sup>e</sup> army of y<sup>e</sup> States General, whereas y<sup>e</sup> sovereignty of each province commands each its own troops when not so employ'd. That an army so constituted wou'd answer all the internal purposes of force added to y<sup>e</sup> aid of government, because y<sup>e</sup> suprem civil magistrate wou'd have no scruple where force was really wanted to apply this as it was *y<sup>e</sup> force of y<sup>e</sup> community* acting upon itself, whereas whatever may be y<sup>e</sup> necessity for force as matters now stand, there is not a civil magistrate in that country who will ever call in y<sup>e</sup> aid of y<sup>e</sup> military. That an army so constituted wou'd answer all y<sup>e</sup> possible use of defence in all ordinary cases & wou'd of course be increas'd as y<sup>e</sup> case of danger encreas'd to all possible extraordinary cases.

III. That there was another point w<sup>th</sup> he — wou'd take up, not as a point so much respecting y<sup>e</sup> constitution as matter of expediency & effect in practice, respecting Colony administration. And that was the false policy of y<sup>e</sup> establishment of a revenue board *out of y<sup>e</sup> realm*. He explain'd y<sup>e</sup> reason of all y<sup>e</sup> difficulties this board mett w<sup>th</sup>, of y<sup>e</sup> inconveniency, defect, & danger of it, & then pointed out that the right step w<sup>d</sup> be to throw the whole business of y<sup>e</sup> inspection & administration of y<sup>e</sup> laws of trade in the Colonies into the old known, wise & proper office of y<sup>e</sup> naval officer as y<sup>e</sup> deputy, subordinate to y<sup>e</sup> Governor who was primarily responsible for y<sup>e</sup> due administration thereof. That this office thus subordinate to, & deriving y<sup>e</sup> power of its execution from y<sup>e</sup> Governor & y<sup>e</sup> jurisdiction of y<sup>e</sup> Province or Colony, wou'd act under & with & be aided by the interior powers of the civil jurisdiction within which it was plac'd, wou'd there become effective & effectual & give vigour to y<sup>e</sup> regulations of y<sup>e</sup> American trade in its due subordination to that of y<sup>e</sup> mother country. instead of exacting by force *ab extra* a rigorous execution of points w<sup>th</sup> only distress it.

Indorsed, "Mem<sup>o</sup> of a Conversation between Gov<sup>r</sup> Pownall & Lord North, June 5, 1770, refer<sup>d</sup> to in Mr Pownall's letter dated July 14, 1770."

## WILLIAM BOLLAN TO SAMUEL DANFORTH.

(Duplicate, with P. S. added.)

FLUDYER STREET, July 16<sup>th</sup>, 1770.

SIR,— Inclosed you receive an act of Parliament passed in the late session for encouraging plantation indico, which contains a clause respecting the fees of the officers of the customs & the naval officers. This clause was introduced when the House of Commons was sitting in a committee of the whole House. When introduced it was perpetual, and much contended for to continue so by a minister<sup>1</sup> member, with some others of the same side; but being opposed, chiefly by the Lord May<sup>r</sup> & two other members of my acquaintance, one of whom, tho' he often votes with the ministry, opposed this *totis viribus*, it was render'd temporary, as you will find it.

Divers persons having on different days been lately examined on oath by the Privy Council touching certain proceedings at Boston, many supposed this was done with intent to lay a foundation of some adverse measures to be pursued against the Province, or that town in particular, or both, some supposing that an attempt would be made to repeal your Charter; others that milit<sup>y</sup> forces wou'd be employ'd to curb & humble the capital til the consideration of Parliament cou'd be had. Being indisposed during the chief part of these motions by the hurts received from a fall, I was obliged to some of my friends for information. On the 9<sup>th</sup> inst<sup>t</sup> a gentleman who received his intelligence in such a manner as render'd it probable, for what is certain is become very rare, came & told me that some severe measures proposed by Lord H. had been rejected by the far greater part of the Council. Two days afterw<sup>ds</sup> a worthy gentleman inform'd me the min<sup>y</sup> had determined naval & land forces shou'd be collected & sent to Boston; the latter shou'd enter the town,

& remain there til Parliamentary measures shou'd be taken. Alarm'd by these proceedings, on Friday, the 13<sup>th</sup>, I went to the Plantation Office, and desiring to speak with the Sēcry, saw him, & spake briefly to him concerning this matter; but being extremely busy, he appointed me to come there to-day, tho' I press'd for the next day. However on that morning by a written message he let me know he was ready to see me; whereupon going directly to him, I told him I had while indisposed received disagreeable advice, and mention'd the particulars. After civilly saying that if I cou'd not conveniently have come to him, he wou'd have come to me, he in strong terms declared against all intention of any proceeding against your Charter; as to other measures he seem'd rather inclined to soften the account of matters than to be at all explicit, which I imputed to the nature of his office & of the measures themselves, with the disposition of the times. After saying I was by nature & policy averse to severities, I observed that violence begat violence, and mentioned the late military violence; that an angry cause required temper for its management; that severities against a part wou'd make a coñon cause, and that there was no difference to this kingdom between losing the Colonies & losing the benefit of them, to which severities tended. I am, with all due respect, Sir,

Your most obedient & most humble servant.

W. BOLLAN.

P. S. In the course of the debate touching the above-mentioned clause, it was said, without being gainsaid, that it originated in a design to regulate the port of Boston.

THE HONBLE SAM'L DANFORTH, ESQR.

## THOMAS POWNALL TO JAMES BOWDOIN.

(Private.)

LONDON, July 21, '70.

D<sup>r</sup> SIR, — Enclosed with this I send you a letter which I have written that you may communicate as circumstances & prudence may best direct. In the first place to those friends of y<sup>e</sup> Province who are your freinds, or to those in general who are really freinds of Liberty. There are amongst some, some fals freinds who keep up correspondencies here with people that you little suspect. It would therefore be wise to form a circle of a few that can be trusted with confidential communication. I beg my respect to y<sup>e</sup> Speaker, to M<sup>r</sup> Hancock, M<sup>r</sup> Adams, & all those particularly who were my friends when I was in the Province. I am, d<sup>r</sup> Sir,

Y<sup>r</sup> affec<sup>t</sup> freind & ser.

T. POWNALL.

## THOMAS POWNALL TO JAMES BOWDOIN.

LONDON, July 21, '70.

D<sup>r</sup> SIR, — I have in all my letters very distinctly marked the ground which Ministry mean to take in their dealings with the Americans, but especially with Boston & the Province Massachusetts Bay. You also are apprized in general of y<sup>e</sup> evidence & y<sup>e</sup> nature of it by which they attempt to establish that ground. You have also very explicitly been informed of y<sup>e</sup> measures which are to be taken on that ground. Permitt me in this letter (which you may communicate to *particular friends*) to suggest what grounds you ought to take on your parts.

As soon as this arrives, if you have not done it before, you ought to apply by petition or otherwise to y<sup>e</sup> Governor to call y<sup>e</sup> General Court to sitt forthwith. You ought to take up y<sup>e</sup> consideration of the defense which the Prov-

ince (as a corporation) ought to be ready prepared with, in case the Charter should be attacked in the courts of law. You ought forthwith to prepare such matters for explanation, information, and defense as may be applyed by your friends, if the Province & its Charter is attacked in Parliament.

You ought forthwith to appoint agents (not one, but more as you will see presently) with proper comissions & powers for y<sup>e</sup> purposes following. I have for a long time & very maturely, at my leisure, considered your situation ; & I think you ought to appoint three agents or commissioners jointly under the same commission,— two from within y<sup>e</sup> Province to be joined with one here who knows the way of persons & things here. That one ought to be in Parliament, so as that he may *in his place* do what will then become his duty to do, defend your cause as your representative there. I have said *three* from y<sup>e</sup> apprehension that if two should differ your business might not be at a stand ; but if you could find two persons who were in real freindly communication, were of y<sup>e</sup> same sentiments, & as equally in your confidence as one of your own corporation & one not of it can be, two such w<sup>d</sup> do better. If it were possible to persuade M<sup>r</sup> Bowdoin to undertake this commission, I know one here who would, without any pay, salary, or appointment whatever, be ready to be joined with him, & would act unitedly and confidentially with him in every matter that concerned your cause. Two such would do better than more ; but upon this point you must consult among yourselves.

The next point respects y<sup>e</sup> commissions. I think your comissioners or agents should have two different commisions (all jointly appointed in each), one solely for y<sup>e</sup> purpose of conducting your affairs in the courts of law ; another for the management of your affairs with government & in Parliament. The first ought either to appoint these commissioners as your lawfull attorneys, such as a

corporation is bound to have appear for it, or to empower them to appoint such. These commissioners ought to have power to retain & employ counsell, &c., & to do every act & deed in y<sup>e</sup> name of y<sup>e</sup> corporation which shall become necessary in a course of law, liable to such instructions as you may think wise & prudent to direct or restrain said commissioners by. The other commission ought to contain power to petition or remonstrate on one or all matters of greivance or complaint which you may direct them, either by y<sup>e</sup> commission itself or by instructions, to exhibit & prosecute. As it is impossible for y<sup>e</sup> Province (so farr removed from persons & things here) to judge what may, and what may not with best improvement & success be brought forward at one time or at another as persons, ministries, & various connections shall vary & change, your commissioners ought by their commissions, if possible, if not so yet by their instructions, to be duely authorised & impowered to exhibit each matter & thing separately & by itself, so as that it may be in their power to treat of & negotiate upon any one matter (independent of others) & of such from time to time as opportunity offerrs or occasion calls for, or aid & assistance can be obtained thereupon. These several matters may possibly be comprised under these different heads, — matters respecting taxation & revenue laws ; the establishment of y<sup>e</sup> military ; the establishment of commissioners & other officers of exterior revenue ; all matters respecting your charter rights, your jurisdiction, & your Province as a corporation ; all matters respecting the general rights of American colonists (independent of, & even upon y<sup>e</sup> supposition of y<sup>e</sup> dissolution of, Charters) such as their right to be formed into a community (when without y<sup>e</sup> realm) with interior powers of government & all other jurisdictions necessary to a free community.

Both the commissions & all y<sup>e</sup> separate setts of instructions ought to be under y<sup>e</sup> great seal of the Province.

This done, you ought to appoint by election or otherwise a standing committee to correspond with your agents or commissioners with full powers as to y<sup>e</sup> matters on which they are empowerd to correspond. All these matters ought to be done directly & without loss of tyme, that whatever measures you agree upon to be pursued here may be settled & known here by your agents or commissioners some months before y<sup>e</sup> sitting of Parliament, so that all proper communication & correction may be prepared previous to y<sup>e</sup> sessions, & previous to the terms in y<sup>e</sup> law courts.

Whether my advice will be approved or not, I think it not only y<sup>e</sup> best, but absolutely necessary for y<sup>e</sup> Province, & therefore from a sincere affection to it, I have communicated & written it, *liberavi animam meam*. After this I have nothing left but my warm & sincere wishes for y<sup>e</sup> Province & all my freinds in it. I am, d<sup>r</sup> Sir,

Yours most affectionately.

T. POWNALL.

THE HON<sup>BLE</sup> JAMES BOWDOIN, Esq<sup>R</sup>.

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THOMAS POWNALL TO JAMES BOWDOIN.

LONDON, July 21, '70.

D<sup>r</sup> SIR,— This with all my other letters will be deliver'd to you by Commodore Gambire, between whom & yourself I should be happy to form a communication of friendship. He wishes it, & not only on your own account, but on that of your country, you will be happy to have formd & cultivated such friendship. Whatever y<sup>e</sup> orders & instructions are that he may receive he must execute; but in every thing which depends upon himself, & in y<sup>e</sup> mode of doing it, I know, not only from his own disposition, but from y<sup>e</sup> nature of his connections here, he comes with every disposition to befriend y<sup>e</sup> town & Prov-

ince, wishes to be well with y<sup>e</sup> people, desires me to make him so, wishes to render his command (as it ought to be) a benefit & advantage to trade & commerce, & not a distress to & oppression of it. This is disposition which the friends of y<sup>e</sup> Province & of Liberty ought to cultivate & improve. Upon these grounds I beg to bring you together. I know when once you are acquainted you will not want my recommendation to each other's friendship.

Many attempts & endeavours by malicious publications & otherwise have been made to create prejudices against him, to render him obnoxious to y<sup>e</sup> Provinces & thus to sett him out on bad ground with them. He has always so conducted himself in y<sup>e</sup> service that even y<sup>e</sup> most malicious have nothing to reproach him with but with an act that was not his own; the affair of burning y<sup>e</sup> house at Halifax & y<sup>e</sup> pressing y<sup>e</sup> householder. This was done at y<sup>e</sup> absolute & peremptory orders of the late Admiral Bos-cawen.\* The Admiral paid all y<sup>e</sup> costs & damages, & so farr was Cap<sup>t</sup> Gambire from having any personal share in y<sup>e</sup> severity of the order that he even risqued his commanding officer's displeasure by a lenity and tenderness of conduct in y<sup>e</sup> mode, for which the man who was y<sup>e</sup> object of it acknowledged every obligation to him publickly & repeatedly. Mention y<sup>e</sup> affair yourself to the Commodo-re, I am sure he only wishes an opportunity of having the real case known. I beg also to recommend Mr<sup>s</sup> Gambire to the acquaintance of your family. She is I find a relation of y<sup>e</sup> Temples or y<sup>e</sup> Shirleys. I am, d<sup>r</sup> Sir,

Y<sup>r</sup> friend & serv.

T. POWNALL.

To y<sup>e</sup> HON<sup>BLE</sup> JAMES BOWDOIN, Esq<sup>R</sup>.

\* "While at Halifax in 1758, acting under orders from Boscawen, he [Gambier] destroyed a number of pestilent liquor sheds, and pressed the sutlers — a piece of good service which afterwards caused him much annoyance, some of the sutlers prosecuting him at common law, against which he was still, two years later, claiming the protection of the admiralty." See Dictionary of National Biography, vol. xx. p. 393.—Eds.

SAMUEL HOOD TO JAMES BOWDOIN.

HALIFAX, August 7<sup>th</sup>, 1770.

I AM exceedingly obliged, my dear Sir, for your kind favour of the 7<sup>th</sup>, as I also am in a very particular manner, for your great readiness in using your influence for compromising the affair between M<sup>r</sup> Peacock & Ryan, on the plan I proposed, but as it is rejected by Ryan, but on terms not possible to be complied with, M<sup>r</sup> Peacock must submit to what the Law shall decree, and I now send a cook to the Hussar.

My successor to the naval command in this country is M<sup>r</sup> Gambier,\* who I am afraid will not be here till the middle of next month at soonest, which will probably subject M<sup>rs</sup> Hood to a rough, when we flattered ourselves with having a summer's, passage. I expected to be home in all this month, but as the old saying is, what can't be cured must be endured. Have you, my good Sir, any command to England in my power to execute? if you have, I shall obey them with real pleasure, if you will give me leave; and I shall ever be glad to hear of the health and welfare of you & your family. I shall be no longer a *Commodore* than the day of my arrival at Spithead. S. Hood Esq<sup>r</sup> Portsmouth, Hampshire, is my address as a private gentleman.

M<sup>rs</sup> Hood joins me in best & warmest wishes to you & M<sup>rs</sup> Bowdoin, and I desire you will remember me very kindly to Cap<sup>t</sup> Erving

I am, with great regard & esteem, my dear Sir,

Your ever faithfull and obedient humble servant

SAM. HOOD.

THE HON<sup>BLE</sup> J<sup>s</sup> BOWDOIN, ESQ<sup>R</sup>. BOSTON.

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\* See note, *post*, p. 285.—EDS.

## SAMUEL HOOD TO JAMES BOWDOIN.

HALIFAX, Sept<sup>r</sup> 7<sup>th</sup>, 1770.

DEAR SIR,— I want words to express my concern at the disturbance which happened on the 29<sup>th</sup> past, by an attempt to impress a man from a coasting vessel, which is directly contrary to my orders, and though the officer of the Viper informs me that he did not mean to impress, but only to recover a man who owned himself a deserter, I disapprove of his conduct exceedingly, and am sorry the smallest opposition is encouraged by the masters of the coasting vessels to the King's officers, when they must be all sensible that if a man is at any time taken by an officer who may be led to it from his desire of keeping his Majesty's ship to which he belongs in condition for service with respect to men, he will be immediately discharged on any application to the commanding officer at the port of Boston, and I beg to assure you, Sir, that the coasting trade shall not be molested, but encouraged and protected to the utmost, while I have the honor to command his Majesty's squadron in these seas.\* The experience I have had of your moderation and love of order induces me to trouble you at this time, well knowing you will spare no pains to keep the minds of the people as quiet as possible. I have yet no account of the appointment of my successor, so that I fear I shall not see my native country so soon as I wish. M<sup>rs</sup> Hood joins me in

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\* The Massachusetts Gazette of Sept. 20, 1770, contains the following paragraph, which was immediately copied into the other Boston papers:— “We are informed from good Authority, that Commodore Hood at Halifax has expressed great displeasure at the late attempt to impress a man from a coasting vessel coming into this harbour: From the same Authority we can assure the public, that the coasting trade shall not be molested, but encouraged and protected to the utmost while the Commodore has the command of his Majesty's squadron in these seas.” We have not been able to find in any of the Boston newspapers of the time an account of this “attempt to impress.” — EDS.

best compliments to your whole family. I am, my dear Sir,

Your most obedient and faithfull humble servant,

SAM. HOOD.

I beg to be remembered to Cap<sup>t</sup> Erving.

THE HON<sup>BLE</sup> JAMES BOWDOIN.

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JAMES BOWDOIN TO THOMAS POWNALL.

BOSTON, Oct<sup>o</sup> 22d, 1770.

DEAR S<sup>r</sup>, — My last, w<sup>ch</sup> I think went  $\varphi$  Scott, & of w<sup>ch</sup> you do not make mention, acknowledged y<sup>e</sup> rec<sup>t</sup> of your two favors dated in April last. It was principally to thank you for y<sup>e</sup> bill for regulating controverted trials of election & your observations thereon, and particularly to thank you in y<sup>e</sup> name of y<sup>e</sup> Kennebeck Co. for your attention to y<sup>e</sup> affair of their appeal, w<sup>ch</sup> you thought w<sup>d</sup> not be heard y<sup>e</sup> 11<sup>th</sup> of June, though that was y<sup>e</sup> day appointed for it. We have not heard any thing from M<sup>r</sup> Goosetree lately concerning it. It will much oblige y<sup>e</sup> Co. (if y<sup>r</sup> engagements in more important business will permit it) to know from you y<sup>e</sup> present state of y<sup>e</sup> appeal, & when tis probable judgment will be given on it. If there had been a possibility of settling this matter here, y<sup>e</sup> Co. w<sup>d</sup> have chosen that it should have been done. The land in controversy is no object with them; the expence of attending it is greater than it is all worth. They must have relinquished a very considerable part of their patent, if they had acquiesced in y<sup>e</sup> final judgment here. This obliged them to petition for liberty to appeal; and if y<sup>e</sup> event should be favorable to them it will be equally beneficial to y<sup>e</sup> people that live within y<sup>e</sup> limits of y<sup>e</sup> s<sup>d</sup> patent by quieting them in their settlem<sup>ts</sup> and preventing a great number of interfering Indian claims, which at present lie dormant, from ruining them.

I have rec<sup>d</sup> your letters of the following dates, viz., May 11<sup>th</sup> & one dated June; both of them directed to y<sup>e</sup> Boston Com<sup>tees</sup>, also duplicate & triplicate of y<sup>e</sup> latter. These letters have been communicated to y<sup>e</sup> s<sup>d</sup> Com<sup>tees</sup>. I have also rec<sup>d</sup> those of July 7, 10, 14, & 21. Several of these letters contain very important information & advice. I have communicated them to y<sup>e</sup> Boston Rep<sup>s</sup> and such others of the House as I thought would make a good use of them; and they will be a good guide to direct their measures, with regard to which they are not yet perfectly agreed. Some talk of petitioning y<sup>e</sup> King; some of remonstrating to Parliament on y<sup>e</sup> subject of our grievances; and some few are for doing neither, as all our petitions & remonstrances and those of the other Colonies have been treated with such neglect & contempt. What you recommend in one of your letters, to act offensively instead of y<sup>e</sup> contrary, and to attack Ministry in Parliament for y<sup>e</sup> grievances brot. upon us by the extraordinary measures they have taken, struck me at first as y<sup>e</sup> best thing that could be done, and it may be so. But what arises as a difficulty is, that Ministry have taken y<sup>e</sup> precaution to get all their measures approbated & adopted by Parliament; so that to complain of them is a virtual complaining of Parliament, which, however just, would probably only serve to raise their resentment. Nothing will or indeed can well be concluded on till another business previous in its nature, and about which there are contrary sentiments, is setled, viz., whether there shall be an agent. The Council early in y<sup>e</sup> present session, w<sup>ch</sup> commenced y<sup>e</sup> 26<sup>th</sup> ult<sup>o</sup>, sent a message to y<sup>e</sup> House signifying to them their readiness to join with y<sup>e</sup> House in y<sup>e</sup> choice of an agent; and have several times since repeated that message; but it has not yet worked any visible effect. A number of y<sup>e</sup> House, & some of them leading members, are against appointing any agent; apprehending it to no purpose to endeavour y<sup>e</sup> altering of measures

already resolved on by those who appear to have an uncontrollable influence over Parliament. A few days will determine this matter in y<sup>e</sup> House, probably in favor of appointing an agent,—an agent for y<sup>e</sup> House only; for there is undoubtedly a considerable majority in favor of such a seperate appointment in case it is determined that there should be an agent. The Council are very desirous that an agent should be appointed by both Houses, & that their present agent, M<sup>r</sup> Bollan, should be y<sup>e</sup> man, who, if y<sup>e</sup> House refuse a junction, will be continued agent for y<sup>e</sup> Council. Your attention to American affairs, and those of this Province in particular, manifested by your speeches in Parliament; the concern you express in your letters for our rights & liberties, and your endeavours to prevent any infraction upon them, intitle you to the thanks of y<sup>e</sup> Province. As an individual you will please to accept mine. I agree with you it would be a good measure that y<sup>e</sup> Province sh<sup>d</sup> have two com<sup>rs</sup> or agents if their sentiments harmonized, and it would give me great pleasure to see you and our friend Doctor Franklin in that relation to the Province. There are divers other gent<sup>n</sup> talked of, particularly Serjeant Glyn & D<sup>r</sup> Leigh, said to be y<sup>e</sup> author of y<sup>e</sup> pieces signed Junius Americanus.\*

The measures of Ministry relative to this Province which you mention as conjectural will probably prove realities; for several of them, viz., the removing of y<sup>e</sup> Provincial garrison from Castle William & garrisoning it with y<sup>e</sup> 14<sup>th</sup> regiment, and y<sup>e</sup> making y<sup>e</sup> harbour of

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\* Arthur Lee. He was born in Westmoreland county, Virginia, Dec. 20, 1740, was educated in England and Scotland, and received the degree of M. D. from the University of Edinburgh. Returning to America, he practised his profession for a short time in Virginia, and then went again to England, where he studied law, and was admitted to the bar. He was author of the letters signed "Junius Americanus," and of numerous other political writings. In 1770 he was appointed by the House of Representatives of Massachusetts their agent in England, to act in case of the absence or death of Dr. Franklin. Subsequently he served in various diplomatic capacities on the Continent of Europe, and was involved in some unfortunate disputes with his colleagues in Paris. In 1780 he returned home, and was afterward elected to Congress, and served from 1784 to 1789 on the Treasury Board. He died in Virginia, Dec. 12, 1792. See R. H. Lee's Life of Arthur Lee. — EDS.

Boston y<sup>e</sup> rendezvous of men of war, are already carried into execution. On y<sup>e</sup> 10<sup>th</sup> of Sept. with great secrecy Col<sup>o</sup> Dalrymple, whose regiment ever since March last had been quartered in y<sup>e</sup> barracks on Castle Island, took possession of y<sup>e</sup> Castle by virtue of an order from y<sup>e</sup> L<sup>t</sup> Gov<sup>r</sup> to Cap<sup>t</sup> Phillips, who had no previous intimation of it whatever, & who i<sup>m</sup>mediately surrendered y<sup>e</sup> Castle with all its appurtenances to Col<sup>o</sup> Dalrymple. On y<sup>e</sup> same day and about y<sup>e</sup> time of taking possession y<sup>e</sup> L<sup>t</sup> Gov<sup>r</sup> called a Council, and read to them several parts of a letter to him from Lord Hillsbor<sup>o</sup> dated y<sup>e</sup> 7<sup>th</sup> of July last, and enclosing y<sup>e</sup> report of a com<sup>tee</sup> of y<sup>e</sup> Privy Council with his Majesty's order in Council thereon. Agreeable to y<sup>e</sup> s<sup>d</sup> report his Majesty is pleased to order that y<sup>e</sup> harbour of Boston should be y<sup>e</sup> rendezvous of his ships of war in North America & that y<sup>e</sup> Provincial garrison at y<sup>e</sup> Castle should be removed, &c., as above. The s<sup>d</sup> report also takes notice that there is no civil magistracy here, and therefore recommends to his M<sup>ty</sup> to lay before Parliament y<sup>e</sup> state of this Province, that further measures may be taken. These measures are probably such as you conjecture have been resolved on, viz., the vacating y<sup>e</sup> Charter in whole or part; at least so far as relates to y<sup>e</sup> Council and (as other letters mention) y<sup>e</sup> sending more regiments here. It might be expected from y<sup>e</sup> wisdom and justice of Parliament, that before any thing further be decreed against us we should be informed of what we stand charged with, and heard in our defence. The said report contains a number of reasons on which y<sup>e</sup> measures recommended in it are grounded. But a copy of it, notwithstanding repeated applications for it, is refused the two Houses by y<sup>e</sup> L<sup>t</sup> Gov<sup>r</sup>, who says he has an instruction not to give us a copy of it, or communicate it by any speech or message or in any way whereby it may be made public, by which means we are unable to make any defence. I heard y<sup>e</sup> report read, but do not retain it suffi-

ciently to give you y<sup>e</sup> reasons mentioned in it: otherwise I might probably make some observations on them. Would it be just that an individual accused should be condemned unheard, even if it were known his accusers had no enmity or prejudice against him? If it would not, can it be just that a whole community should be so condemned, especially too when their accusers, or those that are called to give testimony against them, are known to be not only prejudiced, but in a high degree inimical to them? We are informed the testimonies on w<sup>ch</sup> y<sup>e</sup> s<sup>d</sup> report is founded were those of Sir Fra<sup>s</sup> Bernard, M<sup>r</sup> Robinson, M<sup>r</sup> Harrison, and others equally unfriendly to y<sup>e</sup> town of Boston & y<sup>e</sup> Province, aided by y<sup>e</sup> Commissioners and other persons here, whose letters and y<sup>e</sup> depositions accompanying them are apprehended to have co-operated with those testimonies. It is not foreign from this subject to mention a deposition of Sec<sup>ry</sup> Oliver, containing his minutes of what he represents was said in Council y<sup>e</sup> 6<sup>th</sup> of March, and adopted by them, that there was a plan laid by people of y<sup>e</sup> best character here to remove y<sup>e</sup> troops & Com<sup>rs</sup>, and this previous to y<sup>e</sup> unhappy affair of y<sup>e</sup> 5<sup>th</sup> of March. This deposition is published with others annexed to a pamphlet printed in London & intitled "A fair Account of y<sup>e</sup> Disturbances at Boston." The eight counsellors present at that Council have given their depositions concerning what was then said, and a com<sup>tee</sup> of Council have since drawn up a state of that matter, and made some observations thereon, which will be reported tomorrow. From y<sup>e</sup> s<sup>d</sup> state (now before me) I send you enclosed y<sup>e</sup> resolutions w<sup>ch</sup> y<sup>e</sup> com<sup>tee</sup> think y<sup>e</sup> honor of y<sup>e</sup> Council requires they should come into. Soon after y<sup>e</sup> s<sup>d</sup> pamphlet arrived here y<sup>e</sup> s<sup>d</sup> deposition taken from it was published in one of the Boston newspapers. To allay y<sup>e</sup> Sec<sup>ry</sup>'s uneasiness at this, y<sup>e</sup> L<sup>t</sup> Gov<sup>r</sup> informed y<sup>e</sup> Council that it was at his request y<sup>e</sup> s<sup>d</sup> deposition was taken, & that he sent it to a gent<sup>n</sup> to be made use of in case it sh<sup>d</sup>

be necessary to justify him for desiring Col<sup>o</sup> Dalrymple to remove y<sup>e</sup> troops from the town, and he afterwards mentioned (as he said he w<sup>d</sup> not conceal any thing from y<sup>e</sup> Council) that he had sent it to S<sup>r</sup> Fra<sup>s</sup> Bernard.

I herewith send you a pamphlet in w<sup>ch</sup> is collected together all that passed at y<sup>e</sup> first session of this year between y<sup>e</sup> L<sup>t</sup> Gov<sup>r</sup> & y<sup>e</sup> two Houses on y<sup>e</sup> subject of Gen<sup>l</sup> Courts sitting out of Boston. These proceedings the newspapers have furnished you with seperately, as well as with what passed between y<sup>e</sup> L<sup>t</sup> Gov<sup>r</sup> & the House at y<sup>e</sup> 2<sup>d</sup> session. At the second session, as y<sup>e</sup> L<sup>t</sup> Gov<sup>r</sup> persevered in his former sentiments, and in his speech laboured y<sup>e</sup> subject, the Council shewed a disposition to make an answer to his speech, and by a considerable majority appointed a com<sup>tee</sup> for that purpose. They reported an answer; but by tampering and management the consideration of it was postponed from time to time till y<sup>e</sup> Court was prorogued. The Council were equally divided on y<sup>e</sup> question, ten against ten. Your quondam Sec<sup>ry</sup> at War preserved a consistence of character on this occasion,— a meer Proteus. For y<sup>r</sup> amusement I send you y<sup>e</sup> answer as reported. In y<sup>e</sup> present session of y<sup>e</sup> Gen<sup>l</sup> Court it was some time before y<sup>e</sup> House agreed to go upon business. Soon after they resolved upon it they entered on y<sup>e</sup> enquiry whether Castle W<sup>m</sup> still continued under y<sup>e</sup> command of y<sup>e</sup> L<sup>t</sup> Gov<sup>r</sup>. What has passed between him & y<sup>e</sup> House on that head the public papers will inform you. Your observations relative to y<sup>e</sup> command of our Provincial forts are very just. The L<sup>t</sup> Gov<sup>r</sup>'s answer does not appear satisfactory. He repeatedly declared on y<sup>e</sup> 6<sup>th</sup> of March, when he was solicited to order y<sup>e</sup> troops out of town, that he had no authority over them. Their being at y<sup>e</sup> Castle does not subject them to his authority, and we do not learn he has since rec<sup>d</sup> any new authority; therefore it is probable, now they have got possession of y<sup>e</sup> Castle, they do and will hold it

independent of him. The Charter would weigh little with General Gage to restore y<sup>e</sup> Castle, even if urged by y<sup>e</sup> Lt Gov<sup>r</sup>, unless there were other reasons to induce him to it. But y<sup>e</sup> Charter ought constitutionally to subject Gen<sup>l</sup> Gage with all y<sup>e</sup> King's troops, while within the Province, to the command of the Governor of the Province. The Charter, as affairs are now managed, is as inoperative as it would be if vacated.

On y<sup>e</sup> 10<sup>th</sup> inst<sup>t</sup> arrived here Commodore Gambier, by whom I had y<sup>e</sup> pleasure of receiving your letters. Capt. Erving, Dr Cooper, and myself have been together and paid our compliments to y<sup>e</sup> Commodore. From y<sup>e</sup> character you give of him, I doubt not we shall be very happy in him, and that y<sup>e</sup> town & trade in general will experience him to be a good officer. I have shewn your letter to a number of persons that his character might be known; & that y<sup>e</sup> Halifax affair you mention might be set right by y<sup>r</sup> representation of it.\* The minds of people are so agitated by y<sup>e</sup> treatment they have had, and by y<sup>e</sup> further hostile measures intended against them, that they cannot receive with complacency (however deserving in themselves) the persons that are to carry those measures into execution.

In a day or two Capt. Preston's trial is to come on. Notwithstanding y<sup>e</sup> opinion of many on your side y<sup>e</sup> water, arising from misrepresentations from hence, I doubt not he will have as fair & impartial a trial here as he could have under like circumstances at Westminster Hall. His innocence, if it be made appear, will be his protection as much here as there. Scott will sail in a few days. If any thing turns up worth communicating I shall do myself y<sup>e</sup> pleasure of writing to you by him: in y<sup>e</sup> mean time I am, with great esteem,

Y<sup>rs</sup>, &c.

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\* See *ante*, p. 209. — Eds.

## JAMES BOWDOIN TO THOMAS POWNALL.

BOSTON, Nov<sup>r</sup> 2<sup>d</sup>, 1770.

S<sup>r</sup>.—By this ship, Capt. Lyde, I have wrote you a long letter, dated y<sup>e</sup> 22<sup>d</sup> Oct<sup>o</sup>, since which y<sup>e</sup> House of Rep<sup>s</sup> have chosen (viz., on y<sup>e</sup> 25 Oct<sup>o</sup>) our worthy friend Dr Franklin their agent; and on y<sup>e</sup> 31<sup>st</sup> they chose Dr Leigh their agent in the absence of Dr Franklin. Their further measures are not yet ripened into act. The Council accepted y<sup>e</sup> report of y<sup>e</sup> com<sup>tee</sup> relative to the Secretary, & came into y<sup>e</sup> resolutions recommended in y<sup>e</sup> report. This proceeding of y<sup>e</sup> Council y<sup>e</sup> L<sup>t</sup> Gov<sup>r</sup> prophecies will operate more strongly to procure an alteration in y<sup>e</sup> constitution of y<sup>e</sup> Council than any thing they have ever before done. All the papers that relate to this matter are with others sent to M<sup>r</sup> Bollan by this opportunity. Capt. Preston's trial continued five days. He has been acquitted, & was immediately liberated. 'Tis not doubted he himself will allow that y<sup>e</sup> proceedings in his affair discovered no partiality to his prejudice. Please to present my best regards to Dr Franklin, w<sup>ch</sup> you'll please also to accept from

S<sup>r</sup>, Y<sup>r</sup> most obed<sup>t</sup>.

## REPORT ON SECRETARY OLIVER'S PETITION.\*

ORDER of Council on Sec<sup>ry</sup> Oliver's petition presented y<sup>e</sup> 29<sup>th</sup> of October, 1770, viz.

In Council, November 14, 1770. Ordered that W<sup>m</sup> Brattle, James Bowdoin, Sam<sup>l</sup> Dexter, John Bradbury, &

\* This report is now printed from the original rough draught in the handwriting of James Bowdoin. It was printed at the time in the "Proceedings of his Majesty's Council of the Province of Massachusetts-Bay, relative to the Deposition of Andrew Oliver, Esq., Secretary of the said Province," which, by a vote of the House of Representatives, was ordered to be transmitted to the Agent of the House in England, and also to "be printed as an Appendix to the Journals of this House." It is referred to so often in the letters now printed, that it has been thought best to insert it here.—EDS.

Stephen Hall, Esq<sup>r</sup>s, be a Com<sup>tee</sup> to take the foregoing petition into consideration & report what they think proper for the Board to do thereon.

JOHN COTTON, Deputy Sec<sup>ry</sup>.

The Com<sup>tee</sup> on the Secretary's petition of y<sup>e</sup> 29<sup>th</sup> of Oct<sup>o</sup> have taken y<sup>e</sup> same into consideration, and have made the following observations thereon which are submitted to the Hon<sup>ble</sup> Board.

W<sup>m</sup> BRATTLE, p<sup>r</sup> order of y<sup>e</sup> Com<sup>tee</sup>.

Nov<sup>r</sup> 15, 1770.

The Secretary's last petition to y<sup>e</sup> Hon<sup>ble</sup> Board begins with shewing "that it so hapned he had no opportunity to see y<sup>e</sup> report of your Com<sup>tee</sup> and y<sup>r</sup> Honors' resolutions thereon until some time after they had passed y<sup>e</sup> Board." On which your Com<sup>tee</sup> would observe that if the Sec<sup>ry</sup> had thought proper he might have been present, as his Deputy actually was, at y<sup>e</sup> time y<sup>e</sup> s<sup>d</sup> report was made, and while it was under consideration, which would have given him a full knowledge of its contents. But his knowing it was no wise necessary to y<sup>e</sup> Board's passing upon it, as y<sup>e</sup> examination of y<sup>e</sup> evidences on both sides, and in his presence, had been had some time before, agreeable to his petition, and as y<sup>e</sup> s<sup>d</sup> report, besides a summary of the evidence and one or two incidental circumstances, contained nothing but y<sup>e</sup> Com<sup>tee</sup>'s observations on that evidence & the resolutions they recommended to y<sup>e</sup> consideration of the Board. They would further observe that y<sup>e</sup> Board make no secret of any of their proceedings, which, however, in this case they might have justly done, as the Secretary in a secret manner took minutes of what he represents had been said in Council, and in a secret manner gave his deposition concerning it, and will doubtless in a secret manner, at least without y<sup>e</sup> knowledge of y<sup>e</sup> Board, make representations on y<sup>e</sup> subject of their proceedings in his affair, which if right or wrong the Board

for that reason can neither acquiesce in or detect. On this occasion the Com<sup>tee</sup> cannot omit taking notice of what his Honor y<sup>e</sup> L<sup>t</sup> Gov<sup>r</sup> observed in Council upon the said report, a few days after its acceptance by the Board, viz., that y<sup>e</sup> King had a right to know all that is at any time said or done in y<sup>e</sup> Privy Council considered either as a body or as individuals; that y<sup>e</sup> calling in question this right would operate to y<sup>e</sup> prejudice of y<sup>e</sup> Province more than any thing that had been yet done; and that y<sup>e</sup> Sec<sup>ry</sup> did his duty in taking minutes and conducting as he did. As to y<sup>e</sup> former part of this declaration that the King had a right to know what passed at y<sup>e</sup> Privy Council, it is granted, and has never been called in question by the Council, either in y<sup>e</sup> report aforesaid or in any of their proceedings. The King has not only a right to know, but in fact may be said to know, whatever passes in Privy Council, even at y<sup>e</sup> time of its passing, his Majesty being a constituent part of every Privy Council, and always present by his representative. There is nothing in y<sup>e</sup> s<sup>d</sup> report which can justly be construed to call in question that right. If such a construction has been given to any part of it, it is forced and unnatural, and which the Board wholly disavow. They do not therefore apprehend that it can in y<sup>e</sup> least degree operate to the prejudice of y<sup>e</sup> Province in any respect whatever, and they humbly rely on his Majesty's justice and goodness that no such operation will be y<sup>e</sup> effect of it. If his Honor had pointed out y<sup>e</sup> clause capable of such a construction, they would have rec<sup>d</sup> it as an instance of his regard to y<sup>e</sup> Province & to them. As to y<sup>e</sup> last part of y<sup>e</sup> declaration that y<sup>e</sup> Sec<sup>ry</sup> did his duty in taking minutes and conducting as he did, the Com<sup>tee</sup> think it needless to say any thing on this head, as the contrary is fully proved in the report aforesaid.

The Sec<sup>ry</sup> in y<sup>e</sup> s<sup>d</sup> petition takes exception to two clauses of y<sup>e</sup> s<sup>d</sup> report, the first only of which needs to be noticed.

It runs thus,—“The Sec<sup>ry</sup> himself has lately declared before y<sup>e</sup> Board that he did not conceive M<sup>r</sup> Tyler to mean such a preconcerted plan, and that he never believed any such plan had been formed.” The Sec<sup>ry</sup> divides this clause into two parts, and makes observations on each. One of the observations is, that no one gentleman at y<sup>e</sup> Board would undertake to say that y<sup>e</sup> expression was precisely as abovementioned; and another is, that he would by no means be understood even to insinuate that y<sup>e</sup> “Hon<sup>ble</sup> Board meant to put any unjust colouring upon his declarations.” The words whatever y<sup>y</sup> were spoken by y<sup>e</sup> Sec<sup>ry</sup> before y<sup>e</sup> Board, not in conversation with any of the members, but by way of observation on one of y<sup>e</sup> papers in his affair that had been just read to y<sup>e</sup> Board. Now, although no one gentleman at y<sup>e</sup> Board would undertake to give the precise words used by y<sup>e</sup> Sec<sup>ry</sup> on that occasion, yet divers of them at y<sup>e</sup> time he first mentioned this matter to y<sup>e</sup> Board, and many of them since, have declared, and they do declare, that what he said conveyed to them y<sup>e</sup> same idea as y<sup>e</sup> words made use of in y<sup>e</sup> report and above quoted do convey. And notwithstanding y<sup>e</sup> Sec<sup>ry</sup> insinuates, what he says he would by no means insinuate, “that y<sup>e</sup> Board meant to put an unjust colouring on his declarations,” yet y<sup>e</sup> Board are wholly clear of that charge, and meant to represent truly what y<sup>e</sup> Sec<sup>ry</sup> said, which they still think they have done. although it may not be in y<sup>e</sup> precise words spoken by him. But it is of so little importance whether y<sup>e</sup> declaration above quoted was made or not, that y<sup>e</sup> Board would have suffered the Sec<sup>ry</sup>’s explanation of himself to have passed unremarked on, if it had not been attended with an implied reflection upon their veracity.

The Sec<sup>ry</sup>’s petition mentions further that he did not know that his own deposition containing his secret minutes aforesaid was ever sent to England until he saw it in y<sup>e</sup> pamphlet he refers to. Though y<sup>e</sup> Sec<sup>ry</sup> did not (strictly

speaking) know that his s<sup>d</sup> deposition had been sent to England, he could have no sufficient reason to doubt it. At y<sup>e</sup> time he delivered his deposition to y<sup>e</sup> L<sup>t</sup> Gov<sup>r</sup>, and also when his Honor applied to him for it, it is probable he was informed for what purposes it was wanted. But admitting he was not, it would be a reflection upon his understanding to suppose he could have any doubt that y<sup>e</sup> deposition was intended to be sent to England. His saying, therefore, he did not know it had been sent, is neither a proof that he did not know it was intended to be sent, nor any justification of himself for delivering it, especially as it was done without giving y<sup>e</sup> gentlemen whom it respected, and whose character, as well as that of the Province, was essentially affected thereby, the least notice of it.

The Sec<sup>ry</sup>'s petition further mentions, that "as y<sup>e</sup> Board expected him to observe upon these two points only (contained in y<sup>e</sup> two clauses above referred to) he will add nothing with regard to y<sup>e</sup> other parts of y<sup>e</sup> report or y<sup>e</sup> resolves of y<sup>e</sup> Board in consequence of it, except that he is not convinced that he has done any thing inconsistent with y<sup>e</sup> character of a man of honor, or been guilty of any breach of trust." It is to be observed here, that when the Sec<sup>ry</sup> mentioned to the Board the said two clauses, he excepted to no other part of y<sup>e</sup> report, and when y<sup>e</sup> Board consented he should explain himself by something written upon them, he said he should confine himself to those clauses only, w<sup>ch</sup> was acquiesced in. He was not limited to them by y<sup>e</sup> Board, and the suggestion that he was so limited is without foundation.

As to what y<sup>e</sup> Sec<sup>ry</sup> says, that he is not convinced he has done any thing inconsistent with the character of a man of honour, or been guilty of any breach of trust, the Com<sup>tee</sup> would only remark, that although the Secretary's general character may be consistent with y<sup>e</sup> character of a man of honour, yet what he has done with regard to his

minutes and deposition aforesaid is in y<sup>e</sup> whole of it altogether inconsistent with that character, and clearly involves in it a breach of trust: all which is sufficiently manifest by y<sup>e</sup> report aforesaid.

In Council, Nov<sup>r</sup> 16, 1770.

Read & accepted and ordered that an authenticated copy of the Secretary's petition and of this report thereon be transmitted to M<sup>r</sup> Agent Bollan to be made use of for y<sup>e</sup> benefit of y<sup>e</sup> Province, as occasion shall offer.

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THE COUNCIL OF MASSACHUSETTS TO WILLIAM BOLLAN.\*

SIR,— The present session of the G. Court began the 26<sup>th</sup> of Sept. last. The Council, sensible of what importance it was to the Province that (at this time in particular) there should be a Provincial agent, very early in the session unanimously voted that we were ready to joyn with the House in the choice of one. This vote was sent down for concurrence, but unhappily it was not concurred, which obliged the Council to do the next best thing, to chuse an agent for themselves. This was done, & at a very full Board, you was unanimously chosen their agent. The House also voted that they would chuse an agent for themselves; & they made choice of Doct. Franklin for theirs, with whom we doubt not you will correspond as the circumstances of the Province may require. We are extreamly sorry to find by your letter of the [blank] & otherwise how unhappy the scituation of our publick affairs is on y<sup>e</sup> other side of the water, & that it is probable they will in the next session of Parliament be the subject matter of their inquiry, without our being notified to make answer to the charges exhibited against the Province or defending the Council in particular. This is

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\* This letter is printed from a rough draught in an unknown hand, and with numerous corrections and interlineations in another hand; but it has the attestation of the Deputy Secretary.—EDS.

so far from being constitutional, as that perfect innocence is no protection in such a case. But yet hard as it is, unconstitutional as it is, we make no doubt that it will be the case, unless your active vigorous efforts prevent it, which from the experience of your former services, we are very confident will not be wanting.

On or about the 6<sup>th</sup> of July last, it is very likely, you will find that a Committee of the Lords of Council for Plantation Affairs in their report, which was accepted by the Lords of Council, the following advice was given to his Majesty, that Castle W<sup>m</sup> should be taken into his own hands, & garrisoned by his own troops, which hath been since done; the castle delivered up, Capt. Phillips, the officers & privates sent off, & now entirely in the hands of the regulars; that the place of rendevous for the King's ships in North America should be at Boston. Accordingly Commodore Hood came from Halifax with his squadron. He was soon relieved by the arrival of Commodore Gambier. And now in a time of profound peace we have a greater number of men-of-war in the harbour of Boston than was known in a time of war since the first settlement of the country. The following charges were likewise reported, & accepted by the Lords of Council, requesting his Majesty to lay the same before the Parliament at their next session, really, that our constitution might be essentially altered, viz:

That seditious & libellous publications are encouraged & go unpunished, manifesting a design to stir up the people to acts of violence & opposition to the laws & to the authority of Parliament:

Goods liable to duties forcibly landed without paying those duties. Lawful seizures rescued by force. Officers abused & treated with violence whilst doing their duty. Illegal proceedings of the town of Boston in their meetings of June 13<sup>th</sup> & Sept<sup>r</sup> 12<sup>th</sup>, 1768, and the convention at Boston Sept<sup>r</sup> 22<sup>d</sup>:

A combination not to import goods from England, & the several resolutions & proceedings in consequence thereof:

The declarations & doctrines inculcated by the House of Representatives in their resolutions & messages to the Gover<sup>r</sup>. The instructions of Boston to their representatives :

The Council disposed to adopt those principles & to countenance such illegal proceedings evidently manifested in their backwardness to join with the Governor in such measures as were necessary to prevent the same :

Their meeting and acting as a Council of State without a summons from the Governor, and without his presence, and printing their resolutions.

These are the charges we conjecture his Majesty by advice of Council will lay before the Parliament in their next session, & it is pretty certain the Lieut. Governor in a letter from the Earl of Hillsborough hath this account. A committee from the Council waited upon his Honor for a copy of the letter, report & order so far as it respected the rights of the Province & Council, but the Lieut. Governor told the committee that by his instruction he was strictly forbid giving one, or even to mention y<sup>m</sup> by speech or message to either House.

These charges the Lords of Council have looked into & have adjudged to be facts. And therefore y<sup>e</sup> Parliament is only to determine the punishment. Such a conduct as this till of late is not to be paralleled ; how is English liberty lost, how precarious & uncertain is every man's liberty, property, & even his very life, for if they in this way can take away the former they may deprive us of the latter. They may as constitutionally determine that every member of his Majesty's Council hath been guilty of high treason, & then Parliament would make an act for y<sup>r</sup> punishment. Surely upon application for time allowed us to answer they can't deny you, unless corruption reigns with-

out controul. But still while we think of the election of a member for Middlesex we need fear every thing. Wherefore we will suggest a few things to you relative to the charges afores<sup>d</sup>, so far as the charges respect the Council, — we say, so far as they respect the Council, not because we suppose the other charges are true & not to be answered, but because the Council are not the proper persons to do it, & it might be taken amiss if we should.

As to the 1<sup>st</sup>, that seditious & libellous papers going unpunished, &c.; allowing that to be the case, where doth the fault lye? Not in the Council. Can they try & determine these matters? In this way they have nothing to do with them. Why is there not a charge against the House of Lords (which is the summa curia) that they do not suppress those seditious & libellous publications at home? If we have any amongst us there are 50 in England to one here. Must the English constitution then, so far as it relates to the House of Lords, be altered because they do not do that which by law they cannot do, & which if they did would be an infraction upon the constitutional rights of Englishmen? If such publications have taken place here & no notice has been taken of them, where doth the fault lye? Surely in him who acts for the King as his attorney in his not drawing indictments, summoning witnesses in support of the same, & then laying the whole before the grand jury; & if he hath not done it, the fault is not the Council's, unless they had endeavoured to prevent him, which is very far from being the case, as will presently be shewn. It is very surprising that administration should think so highly of the few disorders amongst us when the provocations from themselves have been the sole cause of all. For us to be deprived of our rights, liberties & privileges purchased & defended by our ancestors at the expence of so much treasure & blood & not by the Crown, purchased by them & granted to them as an inheritance. And in the struggle for the preserva-

tion of them, if the people should have gone a little too far, ought there not have been an allowance made? Surely they ought never to be magnified, nor would they be so by any but those who strain at a gnat & swallow a camel, who seek nothing so much as the destruction of an injured, abused Province at all adventures. As to the Council's being disposed to adopt those principles & countenance such illegal proceedings, evidently manifested in their backwardness to joyn with the Governor in such measures as were necessary to restrain & suppress them, there is nothing that was ever invented more groundless. After his Honor, the Lieut. Governor, the Secretary, Judge Trowbridge & other very respectable gentlemen were left out of the Council, Governor Bernard apprehended that there was no duty, no loyalty left at the Council Board, & gave the prerogative up as lost, & this he often declared. We say, that after this there was a message to both Houses from the Governor relative to a libell against him published in one of the Boston newspapers. The House took it up for themselves. The mobbish Board, as he had represented them, chose a committee to take s<sup>d</sup> message under consideration. The committee reported as you will find in the loose paper No. 1, which was unanimously accepted by the Council & presented by the Board to his Excellency as their answer to his message. Upon it the Governor was extreamly pleased & passed the highest panegyricks upon the Council that could be passed, assuring them that he would write to the Secretary of State, that he might acquaint his Majesty with the loyalty, duty, & fidelity of his Council of the Mas. Bay.\* And if

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\* March 1, 1768, Governor Bernard sent a message to the House of Representatives in which he said: — "I have been used to treat the publications in the Boston Gazette with the contempt they deserve; but when they are carried to a length, which, if unnoticed, must endanger the very being of government, I cannot, consistently with the regard which I profess, and really have, for this Province, excuse myself from taking notice of a publication in the Boston Gazette of yesterday; I have, therefore, consulted the Council therupon, and have received their unanimous advice, that I should lay the said libellous paper before your House as well as their Beard." The House declined to take any action in the matter,

he was as good as his word he did it, & his letter may be produced. What he said of the Council then was strictly true. For could words express a greater abhorrence of that libel than that answer conveyed? Could a Council that he is so fond of having now have done more than they then did? Again, can this charge on the Council be true when he never once desired a proclamation might issue with advice of Council, with or without a reward, just as he was pleased to draw it or cause it to be drawn (for the Council never drew one), but what the Council advised to. In many cases this was done immediately upon his hearing the story, & if it was so far against the Province as that he could improve it to their prejudice he never wanted faith to beleive, for immediately there was a Council called, and advice moved for, that a proclamation might issue, & in many instances that the Attorney General should be directed to prosecute, & never once denied.

The Council in short were so desirous that his Majesty's honor & prerogative might be preserved, & so afraid that he should take exceptions at the conduct of the Council, that in sundry instances they went full far enough when they advised to issue proclamations, & at the same time the matter complained was scarcely worthy the notice of a single Justice of the Peace, & once or twice when he had obtained the advice of Council no proclamation issued.

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and two days later they sent a message to the Governor:— “As it does not appear to the House, that any thing contained in it can affect the majesty of the King, the dignity of the government, the honor of the General Court, or the true interest of the Province, they think they may be fully justified in their determination to take no further notice of it.” On the following day he delivered a speech to both branches, in which, after administering a sharp rebuke to the Representatives, he addressed the Council as follows:— “Gentlemen of the Council, I return you thanks for your steady, uniform, and patriotic conduct during this whole session, which has shewn you impressed with a full sense of your duty, both to your King and your country. The unanimous example of men of your respectable characters cannot fail of having great weight to engage the people in general to unite in proper means to put an end to the dissention which has so long harrassed this Province in its internal policy and disgraced it in its reputation abroad. I shall not fail to make a faithful representation to his Majesty of your merit upon this occasion.” See Bradford's State Papers, pp. 118-121. — EDS. \*

In these cases we suppose he did not think that we should have advised to a proclamation, but then he intended our refusal as an item against the Council.

During his administration there were [blank] proclamations issued with advice of Council, & yet it is determined by the Lords of Council that the Massachusetts Council is backward to joyn with the Governor in measures to prevent disorders, nay, adopt those principles & use measures to countenance them. Farther had there been any Justices of the Peace that Gov<sup>r</sup> Bernard thought failed in their duty, why did he not summon a general Council, ask the advice of Council to remove them? This he never did. It was therefore time enough for him or any one else to assert these as facts when we had refused, which, we again say, the Council never did.

And since the absence of Governor Barnard, how many proclamations have been issued, particularly upon M<sup>r</sup> Hulton, one of the Commissioners of the Customs' complaint, or rather on the Council's first hearing that a trespass was committed upon the windows of his house in a country town, above five miles from Boston, in the night, when he & his family were a-bed in it, tho' at the same time the Council had no reason to think there were twenty persons present when the trespass was committed, or that it would have been committed at all had he been in Boston.\* The Council are unanimously of opinion that the better part of the town of Boston, that all the influential, leading men in it, were anxiously concerned to preserve the Commissioners' persons from any insult or abuse & their property from the appearance of a trespass. Nay, we do not think the people of the town were disposed to injure their persons or property, but that on the contrary the Commissioners would have been in perfect safety at Boston had y<sup>r</sup> have continued y<sup>r</sup>. We perswade

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\* See note *ante*, p. 195.—EDS.

ourselves that the Lieut. Governor will do the Council justice touching those things of this nature that have taken place during his administration.

Our surprise (if possible) still rises when we are charged with meeting & acting as a Council of State without a summons from the Governor, & without his presence, & printing our resolutions. We are put to a difficulty to make answer to this, as there is no truth, or even shadow of truth in it. How can we prove a negative? what method can we take to do it? Had there been mention made of any particular time and case, it would have eased us of this impossibility. We can guess only at this, there was an affair in our legislative capacity that would have been finished in four minutes before the Governor prorogued the Court, which the Governor well knew. His Excellency did not at that time act as he & all other Governors had done before a recess, namely, to ask the Council whether they had any thing further to do. But unheard, excepting by the Secretary & one or two more that were near him, ordered the House up. And the Court was then prorogued without our compleating what we were upon in our legislative capacity. And upon sundry remonstrances & arguments with the Governor, he permitted us to finish what we were then upon; and after it was finished, we published it. We do not see any crime in this, nor even in our meeting together, when the Governor hath laid a charge against the Council, even without his summons & presence. The necessity of the thing will justify such a conduct, or else the Council of this Province are of all men the most unhappy, more so than any individual of his Majesty's subjects in his extended dominions. And yet we do positively declare the Council never once met as a Council of State without his permission. There is an unhappy affair arising from the deposition of the Secretary which was sent home & made publick, to which the Council have made answer, & in one

of their resolves desired you to make the best improvement of, & therefore we refer you to it.\*

Upon the whole, considering that our Charter differs from m[ost] charters, — they are of grace; ours not so, but for servic[e to] be done, & therefore is in the nature of a deed where there [is] valuable consideration paid; the immense sums of money it cost our ancestors in coming over & settling an [*torn*] wilderness & purchasing the land of the natives; the many bloody wars they & we have been engaged in, all at our own cost, have now made it a fruitful field which hath been of such amazing advantage to Great Britain, both by our conquests, our fishery, our trade, & from what of the British manufactures have been consumed amongst us, so that in every respect we have exceeded the most sanguine hopes and expectations for the real service of the Crown; — we infer that to deprive us of our Charter, or the liberty of chusing Counsellors, which comes to the same thing, must be contrary to law, reason, & common equity. And we doubt not of your hearty concurrence with us in using your best endeavours to prevent the evils meditated & threatned, which should they take place will work the destruction of those rights, civil & religious. which we think have been dearly purchased & never forfeited.

In Council. October 30<sup>th</sup>, 1770. The Committee appointed the 25<sup>th</sup> instant to prepare the draft of a letter to M<sup>r</sup> Agent Bollan reported the foregoing which was read and accepted. and thereupon Ordered, that Samuel Danforth, Esq., sign the same (as President of the Board), and transmit it to M<sup>r</sup> Bollan accordingly.

JN<sup>o</sup> COTTON, D. Secry.

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\* See *ante*, pp. 219-224. — EDS.

## JAMES BOWDOIN TO THOMAS POWNALL.

TO THE HON. THO<sup>S</sup> POWNALL, ESQ<sup>R</sup>

BOSTON, Nov: 12, 1770.

DEAR SIR.—I wrote you two letters by Capt. Lyde dated y<sup>e</sup> 22<sup>d</sup> Oct<sup>o</sup> & 2<sup>d</sup> Nov<sup>r</sup>, accompanied with several papers enclosed. The owner of y<sup>e</sup> ship, Mr Dennie, gave them to Capt. Lyde, with directions to deliver them to you himself. I mentioned to you that y<sup>e</sup> House of Rep<sup>s</sup> had chosen Dr Franklin their agent. By this opportunity they write to him, and inform him of y<sup>e</sup> state and circumstances of y<sup>e</sup> Province, and the grievances it labors under, and desire him to use his utmost endeavours to obtain redress. The mode of doing it is left to himself. They inform him that Mr Bollan is agent for y<sup>e</sup> Council, and doubt not he will confer with him about y<sup>e</sup> measures to be pursued for y<sup>e</sup> best good of y<sup>e</sup> Province. To y<sup>e</sup> same purpose y<sup>e</sup> Council have wrote to Mr Bollan, both by Lyde and Scott, and particularly with a view to remove y<sup>e</sup> impressions made to y<sup>e</sup> disadvantage of y<sup>e</sup> Council by y<sup>e</sup> misrepresentations and unwearied endeavours of the enemies of y<sup>e</sup> Province. For that end they have sent him a copy of Gov<sup>r</sup> Bernard's speech in y<sup>e</sup> beginning of 1768, in which he speaks in high terms his approbation of their conduct. They have also sent him extracts from y<sup>e</sup> Council Books, whereby it appears they have done all that was in their power to do by advising proclamations & prosecutions in y<sup>e</sup> cases laid before them by y<sup>e</sup> Gov<sup>r</sup>, and w<sup>ch</sup> y<sup>e</sup> Gov<sup>r</sup> in y<sup>e</sup> time of them thought was all they could do.

Gov<sup>r</sup> Bernard in his letters to Lord Hillsborough w<sup>ch</sup> are printed complains, you know, of y<sup>e</sup> Council acting as a Council of State and independent of him, which complaint with others is obviated in y<sup>e</sup> Council's letter to Lord Hillsbor<sup>o</sup> in print; but notwithstanding, it is renewed in y<sup>e</sup> report of y<sup>e</sup> Privy Council of last July, which occasioned

his Majesty's order to y<sup>e</sup> L<sup>t</sup> Gov<sup>r</sup> to surrender Castle W<sup>m</sup>. On this head y<sup>e</sup> Council by this conveyance sends something further to M<sup>r</sup> Bollan to exculpate themselves; as they also do a duplicate of their proceedings respecting the Secretary. The House, too, now send a copy of y<sup>e</sup> s<sup>d</sup> proceedings to their agent.

The L<sup>t</sup> Gov<sup>r</sup>'s speech at y<sup>e</sup> opening of y<sup>e</sup> present session informs y<sup>e</sup> Court that exceptions had been taken to y<sup>e</sup> settlements made in y<sup>e</sup> eastern parts of y<sup>e</sup> Province to y<sup>e</sup> eastward of Sagadahoc, on account of y<sup>e</sup> waste and destruction of y<sup>e</sup> King's timber occasioned by them, and that it is expected y<sup>e</sup> remedy of this mischief should come from y<sup>e</sup> Province. A com<sup>tee</sup> of y<sup>e</sup> two Houses have this part of y<sup>e</sup> speech now under consideration. I apprehend an effectual remedy can be applied only by Parliament; and this in a way most judiciously pointed out by you in your late book concerning y<sup>e</sup> Colonies. If it was made y<sup>e</sup> interest of y<sup>e</sup> land proprietor to preserve y<sup>e</sup> timber for y<sup>e</sup> King's use, there would be no danger of a waste of it; but from y<sup>e</sup> operation of y<sup>e</sup> acts of Parliament respecting this matter, it becomes his interest to destroy it as fast as he can. His having on his land a tree fit for a royal mast subjects it to y<sup>e</sup> inroads of y<sup>e</sup> contractors' agents, who by destroying y<sup>e</sup> smaller timber and doing other damage to come at and carry off such a tree, for which damage no recompence is made, make it his interest to destroy, or any how get rid of y<sup>e</sup> tree if he cannot saw it into boards, w<sup>ch</sup> is y<sup>e</sup> common use such trees have been applied to where saw-mills were handy. On y<sup>e</sup> Kennebeck Prop<sup>rs</sup>' lands is a considerable number of mast-trees which y<sup>e</sup> s<sup>d</sup> agents are daily depriving the Prop<sup>rs</sup> of the benefit of. It is by their exertions and great expence that those lands have been peopled, whereby it has become practicable to procure those trees, and now those agents and their employers are reaping the fruits of that expence. In y<sup>e</sup> Kennebeck Patent there is no reserve of trees, or any

thing else, but a fifth of royal mines. The Prop<sup>rs</sup> therefore think they have y<sup>e</sup> absolute property of them, and are about taking measures for securing that property. If it should be decreed to be clearly in y<sup>e</sup> Prop<sup>rs</sup>, they have no other intention than to apply or reserve y<sup>e</sup> mast trees for y<sup>e</sup> use of y<sup>e</sup> Crown. I shall take it as a great favor if you'll please to procure me a copy of the contract made with y<sup>e</sup> Crown for supplying y<sup>e</sup> navy with masts and any necessary information relative to this business.

I have read with great pleasure your two speeches in Parliament on y<sup>e</sup> subject of American affairs. They are excellent, and I again thank you for them. In that w<sup>ch</sup> introduced your motion for y<sup>e</sup> total repeal of y<sup>e</sup> last American Revenue Act, you have clearly proved among other things that y<sup>e</sup> reasons on w<sup>ch</sup> y<sup>e</sup> s<sup>d</sup> act is founded, and w<sup>ch</sup> appear in y<sup>e</sup> preamble, viz., that y<sup>e</sup> support of governm<sup>t</sup> is not provided for in the Colonies, &c., are utterly false and are meer pretences. In y<sup>e</sup> other, of which this Province is y<sup>e</sup> principal subject, you have clearly shewn y<sup>e</sup> constitutional union of y<sup>e</sup> supreme military power with y<sup>e</sup> supreme civil in y<sup>e</sup> same person, and that this union has always subsisted in y<sup>e</sup> Colonies, and must necessarily subsist so long as their present constitutions subsist. But of what avail are constitutions founded either on common law, charters, or acts of Parliament, or all of them together, if a Governour will suffer a letter from a minister of state to supercede them? Your declaration in Parliament that you would not have obeyed such a letter does you great honor. It would be very happy for this Province if a similar spirit actuated its Governor. Such a spirit would have disdained y<sup>e</sup> arts and combinations that have been practiced and entered into to distress this Province. You intimate in one of your letters that if your family connections had permitted, you would have come to Boston the last summer. It would give your friends great pleasure to see you here, either in a private

or public character, especially y<sup>e</sup> latter, and none of them more than myself. They wish they had any good reason to hope for it.

I am with y<sup>e</sup> most affectionate regard, d<sup>r</sup> S<sup>r</sup>, Y<sup>rs</sup>, &c.

JAMES BOWDOIN.

turn over.

P. S. M<sup>r</sup> Temple (now or lately one of the Commissioners for America, and who goes passenger to England with Capt. Scott) informs me that by an account from the cashire the duties, &c., on the act of the 7<sup>th</sup> of Geo. 3<sup>d</sup> from the 8<sup>th</sup> Sept<sup>r</sup>, 1767 (when the Board commenced) to the 5<sup>th</sup> of Nov<sup>r</sup>, 1770, stand thus, viz., The total of the s<sup>d</sup> duties £16389.7.5. The total of seizures by officers & pecuniary fines £870.16.7. Total of seizures by ships of war £1016.12.9<sup>3</sup>/<sub>4</sub>, amounting in the whole to £18276.16.9<sup>3</sup>/<sub>4</sub>, which alone is at present liable to the King's warrant or order, for payment of the support of government, &c.

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JOHN WENTWORTH\* TO JOHN TEMPLE.

PORTSMOUTH, 18<sup>th</sup> Nov<sup>r</sup>, 1770.

DEAR SIR,—I have night and day been forming my dispatches, which at this season are peculiarly numerous and extensive. However, they are at length done, and hope will be with you to-morrow. As my letters contain many things of various import, I have the pleasure to inclose you extracts, wherein I have taken pleasure in mentioning your name. If any thing more occurs to you that I can say or do, I will gladly exert ev'ry influence that can promote your interest, both as your friend, & as I esteem it the cause of truth & honor. As to myself I've ever made it my study to carry the King's service into

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\* Born at Portsmouth, N. H., in 1737; graduated at Harvard College in 1755; appointed Governor of New Hampshire in 1766; went to Halifax when the British evacuated Boston; and died in Halifax April 8, 1820. See 6 Mass. Hist. Coll. vol. iv. pp. 42, 43 n.—EDS.

effect without disgusting or injuring his subjects under my command, hitherto with success. Therefore all my representations have been to this end, and that I've no opposition therein. I have also mention'd that as L<sup>d</sup> Dunmore has an independant salary, and it is reported Gov<sup>r</sup> Hutchinson has one, that I hope this Province, being much less able to afford a competency than either of these, and having been perfectly quiet during all the commotions on the continent, we might thence expect equal favor.

It is probable you'l have enquiries about the state of that district west of Connecticut river, taken from this Prov. & added to N. York in 1763. You may rely on it, they are in absolute distress, their property granted, possess'd & improv'd under patents of N. Hamps. are now torn from them by new patents under N. York, where they are treated with merciless cruelty, and will turn two thousand people to starve or load the gallows. Their situation from two to five hundred miles from N. York, & the furthest acre not one hundred & eighty miles from Portsm<sup>o</sup>, will for ever render it ruinous for that country to be in any other than this Province. As to the petitions, memorials & certificates that have been sent home to prove they wish to be in N. York, they are many of them clandestinely obtained,— the signers knew not their contents; others are signed by the wretchedest villains on earth, some of them by those who take the houses and lands of the poor sufferers & will no doubt sign any thing by which they may still hold & enjoy their rapacity. One of their judges was convicted of horse stealing, and was such a villain that I cou'd not let him remain a militia captain in this Province, nor cou'd he remain in it, unless in goal; besides he is a fanatic Quaker, & for this turn calls himself a Churchman. Another Judge endeavour'd to set at liberty three trespassers apprehended for cutting mast, & openly undertook their defence in opposition to the King's service & actually caus'd £117. 10/ sterl<sup>g</sup>

to fall upon the Crown by his management; all which & fifty times more you may rely on to be fact, & if oppty. permits you to offer, will be a public charity to a distressed people, and will also promote the King's service, if it effects the restor<sup>a</sup> to this Province.

I rely on your greatest care of the extracts herewith inclosed. I shall impatiently wish to hear of your success in England, and heartily hope it will be to your greatest expectations. God bless you, my dear Sir, and may you soon return again in great prosperity to your native country & friends, is the wish of

Your very affectionate friend.

J. WENTWORTH.

HONORABLE JOHN TEMPLE, Esq.

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JAMES BOWDOIN TO THOMAS POWNALL.

BOSTON, Nov<sup>r</sup> 19, 1770.

S<sup>r</sup>, — By Lyde I sent you two letters, with several enclosures, dated 22<sup>d</sup> Oct<sup>o</sup> & 2<sup>d</sup> Nov<sup>r</sup>. By Scott I sent you a letter dated 12<sup>th</sup> of Nov<sup>r</sup>, and I have now y<sup>e</sup> pleasure of writing you a few lines by Calef, to inform you that y<sup>e</sup> Council's proceedings in the Secretary's affair occasioned him to present a petition relative to two paragraphs of it. This petition was taken into consideration y<sup>e</sup> 14<sup>th</sup> inst., & it was thought necessary some observations should be made thereon, for w<sup>ch</sup> purpose they appointed a com<sup>tee</sup>, whose report they accepted y<sup>e</sup> 16<sup>th</sup>. From that report I will give you one extract, & for y<sup>e</sup> whole of it, as well as for all that has passed in this affair, w<sup>ch</sup> is pretty lengthy, I beg leave to refer you to M<sup>r</sup> Bollan & D<sup>r</sup> Franklin, to both of whom it is sent. What follows is y<sup>e</sup> extract: "On this occasion the com<sup>tee</sup> cannot omit taking notice of what his Honor y<sup>e</sup> L<sup>t</sup> Gov<sup>r</sup> observed in Council upon y<sup>e</sup> s<sup>d</sup> report [the first report in this affair] a few days after its acceptance by y<sup>e</sup> Board, &c." (See y<sup>e</sup> report.)

It being apprehended y<sup>e</sup> Sec<sup>r</sup>y's deposition might affect y<sup>e</sup> Charter, which it is said will be y<sup>e</sup> subject of consideration at y<sup>e</sup> approaching Parliament, y<sup>e</sup> Council thôt it necessary to communicate their proceedings on it to y<sup>e</sup> House of Representatives, who judged the affair to be of so much importance that they have sent copies of those proceedings to their agent D<sup>r</sup> Franklin, to whom they have wrote on y<sup>e</sup> subject.

The Court is just about rising. Their measures are not so full as I wish they had been, and as are recommended in your letters, which from the first of the session have been in the hands of the Speaker of the House, & were communicated to their committee. But I hope they will be sufficient to prevent any alteration in our constitution, or any further harsh measures being taken. This hope, however, is principally built on the concurrent efforts of our friends in Parliament, among whom you will permit me to say you stand distinguished. I have y<sup>e</sup> honor to be, with y<sup>e</sup> most perfect regard,

Y<sup>rs</sup>, &c.

JAMES BOWDOIN.

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JAMES BOWDOIN TO ALEXANDER MACKAY.

BOSTON, Nov<sup>r</sup> 29, 1770.

ALEX<sup>A</sup> MACKAY, ESQ<sup>R</sup>. DEAR SIR,—I had y<sup>e</sup> pleasure of writing to you in May last, since which I have received your obliging letter of y<sup>e</sup> 7<sup>th</sup> of April. I should have acknowledged y<sup>e</sup> receipt of it before this time, but I did not know where to direct a letter for you during y<sup>e</sup> recess of Parliament. I thank you for y<sup>e</sup> information of what passed between you and some of y<sup>e</sup> ministry on y<sup>e</sup> subject of American affairs. I doubt not you endeavoured to remove prejudices, and to represent persons and things in their just light. I wish the same candour had taken place in all those that undertook to make representations on the

same subject; and when made that they had been better considered, or that those affected by them had had an opportunity of acquiescing in, or disproving y<sup>e</sup> justness of them, in either of which cases the situation of things would not have been so disagreeable and perplexed as at present. But y<sup>e</sup> representations have had in part their intended effect, and the principal representer and some of his coadjutors instead of the proper reward of their demerit have had in several ways y<sup>e</sup> royal bounty bestowed upon them. A certain baronet expected to have realised at least £2000 p<sup>r</sup> annum, which might be the motive for his endeavouring to procure y<sup>e</sup> establishment of a civil list for America, a thing which by his often mentioning it in conversation & declaring y<sup>e</sup> expediency of it, his mind seemed invariably fixed upon, even a considerable time before the Stamp Act existed. As he knew such a list and his own appointment out of it would depend on a revenue to be raised in America, is it uncharitable to suppose he would use his endeavours to procure an act of Parliament for that purpose, especially when his office, w<sup>ch</sup> led him to a correspondence with the minister, gave him so good an opportunity of using them? Does his generosity or any part of his conduct, either public or private, militate with such a supposition? Or do his letters in particular (such of them as have been published) in any respect militate with it? This supposition is further supported by his occasional declarations above referred to, and by his prophecies that such a revenue would take place. But his letters to ministry (secret & confidential) if they could be come at, would probably reduce to a certainty what I mention only as a supposition. He has denied indeed that he ever used such endeavours; he has denied, too, that he ever wrote any thing unfavorable to y<sup>e</sup> Province, or tending to abridge its privileges & rights. But of this the fullest proof is exhibited in his letters lately published. We are therefore under no necessity of receiv-

ing as infallible truth what he has said with regard to y<sup>e</sup> other matter. Plans of revenue thus proposed have unhappily been adopted, & have occasioned all y<sup>e</sup> uneasinesses and jarrings between y<sup>e</sup> two countries. The mischiefs arising from them you will probably think ought to have fallen upon y<sup>e</sup> head of y<sup>e</sup> proposer. But now mischiefs have happened how are they to be remedied ? The remedy is plain, but it will be to no purpose to propose it so long as administration entertain y<sup>e</sup> opinion that money may be had from y<sup>e</sup> Colonies by a revenue. This opinion, however, will not appear to be well founded when it is considered that all y<sup>e</sup> Colonies (I think all), except this of Massa. Bay, have paper for their currency ; and some of them for several years past have been soliciting y<sup>e</sup> repeal of the act of Parliament and of the instructions whereby they were prevented issuing paper bills upon y<sup>e</sup> credit of y<sup>e</sup> Colony in y<sup>e</sup> manner that had been usual ; and on w<sup>ch</sup> bills they declared they wholly depended for a currency to enable them to carry on their trade. In consequence of their representations y<sup>e</sup> s<sup>d</sup> act has lately been repealed & y<sup>e</sup> instructions withdrawn, so that it appears administration was convinced there was little or no real money among them, or that whatever they collected in y<sup>e</sup> way of trade was sent to Great Britain tow<sup>ds</sup> paying their debts. This is the fact in all y<sup>e</sup> Colonies.

In this Colony y<sup>e</sup> Parliamentary re-imbursement for taking Cape Breton in 1745 enabled us, with y<sup>e</sup> taxes that were laid, to cancel all our paper currency, and to substitute real money in its stead. It has been frequently apprehended from a scarcity of such money that we should be obliged to recur to paper ; but y<sup>e</sup> evils we experienced by a depreciating paper currency have kept us from it hitherto with y<sup>e</sup> assistance of merchants, who have been under a necessity, in order to carry on their trade, to import occasionally (tho' to their loss) Portugal & Spanish coin, which has happily so far answered the wants of y<sup>e</sup>

community as to prevent a recurrence to paper. Money in a quantity to make it an object of revenue is not to be had from y<sup>e</sup> Colonies. What is remitted to England is by a circuitous trade, and principally from Spain & Portugal, all which added to the numerous articles of their own and foreign produce sent by them to Britain, is scarcely sufficient to pay for what they import from thence. Whatever, therefore, is taken from them as revenue not only so far prevents the paying y<sup>e</sup> debt due to Britain, but operates to y<sup>e</sup> discouragement and lessening of their general trade, upon which their ability to pay that debt and continue that importation depends.

With respect to y<sup>e</sup> remedy above mentioned nothing more or less is necessary than bringing things to y<sup>e</sup> same state in which they were eight or ten years ago, one exception being made. But you'll ask, shall y<sup>e</sup> honor of Parliament be given up by y<sup>e</sup> repeal of all y<sup>e</sup> American revenue acts that have been made since that time? It does not appear that y<sup>e</sup> honor of Parliam<sup>t</sup> w<sup>d</sup> be affected by such a repeal, any more than by y<sup>e</sup> repeal of any other acts. On commercial considerations it is for y<sup>e</sup> interest of G. Britain they should be repealed. The repeal w<sup>d</sup> not infer a doubt about y<sup>e</sup> right of taxing y<sup>e</sup> Colonies, which has been the objection to it; for as long as y<sup>e</sup> act asserting that right remains such an inference cannot be made. To this act y<sup>e</sup> above exception refers. But y<sup>e</sup> conduct of Americans is a further objection. I will not undertake to justify all their conduct. However wrong it may be in some respects, the principles it sprung from will not be condemned by Englishmen, who have been remarkably tenacious of their liberties and rights which they now hold by means of y<sup>e</sup> noble exertions of their ancestors. If the question was to be determined by y<sup>e</sup> conduct of y<sup>e</sup> Americans, is there nothing to be said in their favour? nothing to extenuate the alledged criminality of their proceedings? Have they not petitioned Parliament? repeatedly peti-

tioned both Houses ? and humbly supplicated the throne, and repeated their supplications ? Have their petitions been attended to, or their supplications heard ? When they petitioned y<sup>e</sup> House of Commons on y<sup>e</sup> subject of a stamp duty, which was in consequence of a vote of that House at the preeceeding session for notifying y<sup>e</sup> Colonies that such a duty was proposed, y<sup>e</sup> petitions seasonably reached y<sup>e</sup> hands of their respective agents, who waited upon y<sup>e</sup> ministry with them, and were informed that y<sup>e</sup> proper time for presenting them would be at y<sup>e</sup> first reading of y<sup>e</sup> bill in y<sup>e</sup> House, otherwise they would have been presented before. They were presented at that time accordingly, but immediately it was objected, that by a rule of y<sup>e</sup> House no petition could be rec<sup>d</sup> ag<sup>t</sup> a money bill, & as y<sup>e</sup> s<sup>d</sup> petitions were not offered before y<sup>e</sup> bill had been reported to y<sup>e</sup> House, they could not be rec<sup>d</sup>, whereupon notwithstanding the vote and information aforesaid, and notwithstanding it was urged on the occasion that this was manifestly an exempt case w<sup>ch</sup> could not fall und<sup>r</sup> that rule, they were rejected. This measure however wise and just made a deep impression on y<sup>e</sup> minds of y<sup>e</sup> Americans who did not expect it from the collected wisdom and justice of y<sup>e</sup> nation. This, with y<sup>e</sup> rejection of their other succeeding petitions, induced them to think that they had nothing to hope for but from themselves ; and here you have the key which will open to you the general reason of their condnet. Hence their plans of œconomy and their non-importation agreements, from some of which real good has arisen, however inoperative they have been to procure y<sup>e</sup> repeal of the revenue acts. Hence in part, but principally from deliberate and planned provocations, have proceeded the extravagances that have happened, which thô criminal in themselves, and I heartily condemn them, have been few, innocent, and insignificant, compared with those that have happened in England within y<sup>e</sup> same time.

But with regard to y<sup>e</sup> repealing the s<sup>d</sup> acts, it is humbly

apprehended that y<sup>e</sup> conduct of y<sup>e</sup> Americans is out of y<sup>e</sup> question. The proper question upon y<sup>e</sup> principles of merely British policy seems to be, What is for y<sup>e</sup> interest of Great Britain? With the interest of Britain the repeal of those acts is so clearly connected, that Americans may make themselves perfectly easy, if that interest is suffered to produce its natural effect. There is in this case at least, and if Britain will be guided by her own true interest, it is apprehended there will be in all cases not extraordinary, a coincidence of interests which from y<sup>e</sup> nature of things, if nature is not counterworked, must restore and keep inviolate y<sup>e</sup> union and harmony that lately subsisted between her and her Colonies, and which it must give to y<sup>e</sup> real friends of either y<sup>e</sup> highest satisfaction to see brought about. But unhappily while things are viewed through a false medium and mole-hills appear mountains, while men here find it their interest to be, & are rewarded for being, our accusers. when in consequence of it they aggravate trifles, and (as is highly probable) procure petty mischiefs to be done to themselves or others, and then make them y<sup>e</sup> subject of depositions & memorials; while y<sup>e</sup> voluntary flight of y<sup>e</sup> Commissioners is believed to be y<sup>e</sup> effect of compulsion; while informations are taken against us and kept secret from us, and no opportunity given to make a defence; & when in consequence of these things hard measures have been taken, and are still pursuing, y<sup>e</sup> former union and harmony is rather to be wished for than expected.

Before this reaches you, you will probably see M<sup>r</sup> Temple in London; he sailed in Capt. Scott y<sup>e</sup> 25<sup>th</sup> instant. His honesty & fidelity have occasioned his dismissal from y<sup>e</sup> Board of Commissioners. Your good friend M<sup>r</sup> Erving desires his particular regards to you. M<sup>rs</sup> Bowdoin & all y<sup>e</sup> family are much obliged for your kind mention of them, & present you their best compliments. I am, with great truth & regard, dear Sir,

Y<sup>r</sup> most obed. hble. serv<sup>t</sup>.

JAMES BOWDOIN.

## JAMES BOWDOIN TO THOMAS POWNALL.

BOSTON, Dec 3<sup>rd</sup>, 1770.

DEAR SIR,— In one of y<sup>r</sup> letters you mention it as part of the ministerial plan that y<sup>e</sup> Gov<sup>r</sup> should have more extensive and independent salaries. This has been already carried into execution with regard to New York. Lord Dunmore has got a warrant (a copy of which I have seen) to receive out of y<sup>e</sup> American chest £2000 p<sup>r</sup> annum to be paid half of it at y<sup>e</sup> end of each half year from y<sup>e</sup> date of his commission, w<sup>ch</sup> is y<sup>e</sup> beginning of Jan<sup>ry</sup> last, whereby his Lordship is intitled to receive about 1500 guineas for y<sup>e</sup> time previous to his arrival in his government. A like warrant will probably issue for the Gov<sup>r</sup> here. A step tow<sup>ds</sup> obtaining it has lately been taken. A grant was made by y<sup>e</sup> House of £325 to y<sup>e</sup> Lt Gov<sup>r</sup> for 6 months. The usual grant to a Lt Gov<sup>r</sup> for y<sup>e</sup> same time is £300. The bill having in it certain words relative to the stile of enacting which had been objected to by y<sup>e</sup> Council in another bill, and concerning which several messages have since passed between y<sup>e</sup> chair & House, the s<sup>d</sup> bill for y<sup>e</sup> grant with divers others lay for some days on y<sup>e</sup> table of y<sup>e</sup> House till they could know whether they w<sup>d</sup> be assented to with those words in them. As soon as it was known by one of s<sup>d</sup> messages that they would not, the House striking out the exceptioned words immediately sent y<sup>e</sup> s<sup>d</sup> bills to y<sup>e</sup> Council, who passed them. The bill containing the grant has not had the assent of y<sup>e</sup> chair, the reason of which appears to be this. While y<sup>e</sup> s<sup>d</sup> bill lay on y<sup>e</sup> table of y<sup>e</sup> House y<sup>e</sup> Lt Gov<sup>r</sup> came to Council, where were divers papers ready for his signing; and among them an engrossed bill which had not y<sup>e</sup> words excepted to. He said there was an instruction against his signing any act of y<sup>e</sup> Gen<sup>l</sup> Court before his salary should be provided for, but he would by no means delay y<sup>e</sup> public business, and therfore thô he must in that case so far disregard himself as to re-

fuse to sign any grant made to him, he would sign y<sup>e</sup> s<sup>d</sup> engrossed bill; and then signed it accordingly. Now whatever might be designed by this measure y<sup>e</sup> manifest tendency of it is to procure an independent salary for the Governor, and will operate to promote and carry into execution y<sup>e</sup> ministerial plan above mentioned, which (as you intimate) appears intended to make y<sup>e</sup> government exterior in its principle, and to destroy all political liberty.

I have wrote you <sup>P</sup> Lyde, Scott, Calef, & Bryant, & this you'll receive <sup>P</sup> Hood. I am with y<sup>e</sup> most affectionate regards, dear S<sup>r</sup>,

Y<sup>rs</sup>, &c. J. BOWDOIN.

P. S. I do not know where to direct a letter for Gen<sup>l</sup> Mackay. I take y<sup>e</sup> liberty to enclose one for him, & to desire y<sup>e</sup> favor you will cause it to be sent to him. As it is on American politics I leave it open for y<sup>r</sup> perusal. Please to seal & send it.

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WILLIAM BOLLAN TO SAMUEL DANFORTH.

NASSAU STREET, Soho, Dec<sup>r</sup> 20<sup>th</sup>, 1770.

SIR,— Having been favour'd with your letter of instruction of the 2<sup>d</sup> of Nov<sup>r</sup>, written by order of the Hon<sup>ble</sup> the Council, accompanied with their renewal of my authority, judicious observations, & ample proofs, manifesting their good conduct on many special occasions, in the course of several years past, with the great impropriety of taking in secret, & publishing in this Kingdom, affidavits derogatory to the proceedings of the Councils held on the 6<sup>th</sup> and 7<sup>th</sup> of March, I shall endeavour to make the best use of the whole for the honour of the Board & service of the Province.

But altho' I am of opinion that the minutes of Courts & Councils are subject wholly to their direction & correc-

tion, and that the practice of disparaging them by such affidavits wou'd inevitably produce the greatest mischiefs, yet I think the immediate publication of the papers transmitted would certainly tend to prejudice, if not prevent, the better use which I hope to make of them.

I have the pleas<sup>re</sup> to inform you that your affairs have for some short time had so much better appearance than before, that I am not without hopes no attempt will be made to carry into execution the grievous measures projected & prepared against you.

I am with the greatest respect for the Hon. the Council,  
Sir,

Your most obedient & most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, ESQ<sup>R</sup>.

JOHN TEMPLE TO THOMAS WHATELY.

LONDON, 30 Decr, 1770.

MY DEAR SIR,—I was yesterday very greatly mortified when I called at your lodging & found you had left London but only the day before. I was, however, much pleased to learn you was very well. I arrived at Dover last Fryday, much fatigued, after a very tempestuous passage of 27 days from Boston, and it being the season of all absence from town, M<sup>r</sup> Trecothick prevail'd with me to remain a few days with him at Addington, from whence I had the honor of paying my compliments at Hayes, & where I had the pleasure of seeing my Lord Chatham very well. I am truly impatient to see you, and if you do not soon return to town I will certainly visit you in the country. I left my brother very well & happy at Boston. He retains a gratefull remembrance of your friendship & civillity to him in England. I am, dear Whateley,

Most sincerely yours;

J. TEMPLE.

TO THOS WHATELY, ESQ., AT CLAREMONT.

JAMES BOWDOIN TO BENJAMIN FRANKLIN.

DR<sup>E</sup> BENJ<sup>N</sup> FRANKLIN

BOSTON January 2. 1771.

DEAR SIR, — I take this opportunity by my son to express my own pleasure, & the general satisfaction, at your appointment as Agent for the House of Representatives. The Council have recommended to their Agent Mr<sup>r</sup> Bollan to consult & cooperate with you for the best interest of the Province, which as it has distinguished itself in the great cause of American liberty is now become the principal object of ministerial resentment. But it is hoped your endeavours in concurrence with the other friends of America will dissipate the cloud that seems ready to discharge upon it. My son's health being precarious I have been lately advised to let him try the effect of a voyage, which it is apprehended may be beneficial to him. This occasions his going to England sooner than I intended. Permit me to recommend him to your friendship, as I also do his uncle Mr. Stewart, who does me the favor to take him under his care. Your advice to him, particularly with regard to his conduct & the means of improvement, I shall esteem a singular favor. I am with the greatest regard, dear Sir, Your most obed. & very hble. servant.

JAMES BOWDOIN.

My son will deliver you a pamphlet containing Proceedings of y<sup>e</sup> Council, w<sup>ch</sup> you already have had in manuscript.

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THOMAS WHATELY TO JOHN TEMPLE.

DEAR SIR, — I am very sorry that I was not in town when you did me the honour of calling at my lodgings; but I hope to indemnify myself by waiting soon upon you. I will not give you the trouble of seeking me here,

where my abode is very uncertain. I may stay some days, or I may go away to-morrow, & my motions do not depend on myself; but as soon as I get to town, I shall make it my first business to pay my respects to you. I am, dear Sir,

Your most obedient & most humble serv<sup>t</sup>.

THOMAS WHATELY.

ESHER, 7<sup>th</sup> Jan<sup>ry</sup>, 1771.

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WILLIAM BOLLAN TO SAMUEL DANFORTH.

NASSAU STREET, SOHO, Jan<sup>ry</sup> 28<sup>th</sup>, 1771.

SIR,—Upon the most mature & general consideration, in order to the best defence of the Council & the Province Charter, I determined to present a petition to the King in Council, accompanied with the papers transmited containing the proofs of the Council's good conduct, and being fully satisfied of the rectitude & utility of this measure, resolved to proceed *fortiter in re et suaviter in modo*, and accordingly prepared my petition with due care as well as justice to the Province & the Council, and when concluding it Dr Franklin calling upon me, I acquainted him with this measure, and the draught of the petition was read to him, both which he approved. On Monday the 14<sup>th</sup> inst<sup>t</sup> I carried my petition, with my authority & all the papers put in order, to the Council Office, & delivering them to the clerk in waiting he attentively read the petition, and behaved with civility & candour, but not without considerable reserve touching those proceedings which had chiefly occasioned it. All the papers relating to them, he said, were in L<sup>d</sup> Hillsboro's office, & seem'd, I thought, rather inclined that my petition shou'd pass thro' his Lordship's office; but waving this, & considering the petition as lodged in the proper place, & that all things are best understood when known from their beginings, I observed to him that the natural amount of the new

taxation system, the primary cause of the American disorders, was to disturb & starve the hen that laid the golden egg ; and then proceeded to support the petition as far as the occasion required, after which he appointed me to come again on the Thursday or Saturday following ; and when waiting on the Thursday morning, he told me that he had laid my petition with the papers before the L<sup>d</sup> President, who gave for answer that when any thing shou'd be moved in Council my petition shou'd be consider'd, to which I replied that this was very well & satisfactory, if nothing decisive had been done ; whereupon he said nothing decisive was done, and afterwards, a few things intervening, wherein I declared that the Council was very desirous to stand fair in the eyes of their sovereign, he agreed that was a laudable desire, and after observing that my petition was to be heard, if there was occasion, said that no decisive measure had been taken that he knew of ; wherefore I shall in course for the future attend to such motions as may take place.

My determination to proceed in your defence by petition to his Majesty, instead of the proposed publication, was founded, among others, upon these reasons : 1. publication being in its nature, you are sensible, an appeal to the people is to be made rather in the last than in the first resort ; 2. when a case is depending, the office & interest of the parties require their proofs to be collected, prepared, & reserved for due consideration, and when presented fresh, fair, & entire to the competent judges they come *uno impetu* with the best prospect of success ; 3. truth being ever attended with a happy coincidence of all its parts, & the knowledge of the whole being requisite to form a right judgment, the publication of part of the evidence by dividing naturally weakens it, & so prejudices the defence, instead of enforcing it ; 4. as the measure devised & prepared against you, if an attempt be made for its execution, will in course receive its first sanction

from the King in Council, your evidence ought, I conceive, from the nature of the case, to be first laid before his Majesty; and this being a fair & respectful proceeding, it will facilitate rather than prevent laying the same before Parl<sup>t</sup>, in case a bill shou'd be brought in for a repeal *pro tanto* of your Charter, which, I have considerable hopes, will not take place, tho' the late convention with Spain has not, in my opinion, lessen'd the danger, and publication, you are sensible, may afterwards be made, if there shou'd be occasion for it; whereas publication in the first instance wou'd probably prevent the admission of your evidence by the King or Parliament, and the offer of what had been publish'd to the world be deem'd an offence. When I received the first parcel of pamphlets publish'd by the merch<sup>ts</sup> of Boston, entit<sup>d</sup> "Observations on several Acts of Parl<sup>t</sup>," &c., after perusal I carried one of them directly to M<sup>r</sup> Almon, & desired him to print, with the greatest dispatch, 500 copies to be deliv<sup>d</sup> to the members at the doors of the two Houses of Parl<sup>t</sup>, and when printed & fully prepared for delivery, attending at his shop in order to see the matter accomplished, I there learnt that this pamphlet was publish'd early that morning, wherefore, as I cou'd not with decency & propriety have a paper presented to the Lords or other memb<sup>rs</sup> of Parl<sup>t</sup> which they cou'd buy of the hawkers in the lobby for a shilling, I had these copies to pay for without being able to make use of them. The Council having been pleased to leave the use of the papers transmited for defence of themselves & the Charter to my discretion, I have troubled you with the chief reasons of my conduct, which I hope will be approved. Inclosed you receive a copy of my petition, with another to be communicated to the House of Representatives, if the Council shall think fit.

The great importance & difficult state of the Province affairs plainly require the best defence which in some in-

teresting points cannot be made without sufficient & unquestionable authority to appear for the Province; wherefore the present state of the agency has given me much concern. When I carried my last authority to the Plantation Office to be enter'd, pursuant to an order made some years past, the Sec<sup>r</sup>y, after reading it, asked me if I thought the vote of the Council made me agent for the Province, to which I answer'd that their vote made me agent for them, & also for the Province, as far as lay in their power; whereupon he declared to this effect, that I had heretofore given their Board good national information, and they wou'd be glad to do business with me in case I was duly authorised by the Province as in time past, to which I replied that the Council, & every other order of men who cou'd not appear in person when charged with any misconduct, had doubtless good right to appoint an agent for their defence. To this he assented and afterwards said my authority shou'd be enter'd *ut valeat quantum valere potest*, and I have since been inform'd by one of the clerks it was enter'd, and the right of the Council to defend themselves by their agent being allowed at the Council Office, I am so far enabled, without question, to defend the Charter against any attempt made to wound it thro' your sides. As to appearance in Parliament, in case the design form'd against both shou'd be brought there, I presume they will not refuse my appearance in your behalf; and as to appearance in other cases that may arise there, the Parliam<sup>t</sup> will doubtless govern themselves by their own sense of the matter; and I have observ'd to Dr Franklin that the best method in such case wou'd be, in my opinion, for us to unite in a petition; to which he agreed, and he will doubtless acquaint the House of Repres<sup>ves</sup> with the treatment which their appointment of him to be their agent received from the Sec<sup>r</sup>y of State, who rejected it.

The right of defence, a right co<sup>m</sup>on to all bodies politic & natural, being apparently necessary to guard & preserve

every other right, too great care cannot, I conceive, be taken to support it & to employ all the means proper & requisite for its beneficial use, more especially when other capital rights are contravened or endangered, & attempts made to subvert, control, disparage, or distress this right. The right of defence includes a right to all the means requisite & proper to its existence & use, and consequently a right in the parties concerned to name, appoint & support their own defender, when they cannot make their defence in person ; without this it is evident the benefit of defence wou'd be taken away. The first thing necessary to defend the Province, you are sensible, is the appearance of a person duly authorised, and it stil appears to me that the constitution of a provincial agent or attorney by deed under the province seal, made in their corporate name, given by their Charter, to wit, the King's Province, &c., in like manner as the corporations in the kingdom constitute their attorney, agent, or deputy to appear & act for them, is the most proper method of proceeding, and most free from difficulty, as by conforming to the practise of the kingdom your proceeding wou'd be warranted, a common cause made, and the caution of ministers & others incited not to prejudice it. According to my information the present Secry of State some time past held that the Colonies had no need of agents, whose services might well be performed by the Governours : this strange notion, so apparently incompatible with the preservation of the rights of the governed, needs no refutation. His Lords<sup>p</sup> now holds, as I understand, that your agent ought of necessity to be appointed by an act or law pass'd for that purpose. Now this is liable to check upon check ; for after the Governour's consent, unprevented by a minister, any such act or law might be disallow'd & rejected here at the time when your agent was defending some of your most essential rights. For illustration, suppose the Council & House of Repres<sup>ves</sup> should be of opinion with me, that your Gov<sup>r</sup>

is the King's *locum tenens* & his office entire ; that the chief civil & military authority being by the British & your constitution inseparable, the King cannot sever them ; that an independ<sup>t</sup> mili<sup>ry</sup> tends to the utter overthrow of the civ<sup>l</sup> power ; and that the operations of the great seal, which is *clavis regni*, cannot be control'd by the privy seal, the King's signet, sign manual, or signification of his pleasure by his Sec<sup>r</sup>y, or, in other words, your Charter infringed by any of these ; and you shou'd instruct your agent to endeavour to the utmost to obtain a revocation of proceedings derogatory to your Charter,— I apprehend your agent wou'd not without reason consider himself as standing on a bough which might with one blow be cut off, & so let him fall with your defence to the ground. Whatever is founded in natural justice cannot be taken away, and your right of defence is plainly founded in nature, reason, & the common law, that is, when the King creates a body politic, the law gives to that body the like defence as to a body natural. Your Charter provides that the Gen<sup>l</sup> Court shall annually name & settle all civil officers, except as therein excepted, & after grant<sup>g</sup> var<sup>s</sup> other powers provides that without the Governour's consent in writing no orders, laws, statutes, ordinances, elections, or other acts of government whatsoever made by the General Court, or in Council, shall be of any force ; hence some have supposed that the election & appointment of your agent were herein included. whereas these provisions relate to the government within the Province, and not to the appearance of the incorporated inhabitants in this kingdom, whose appearance is to be provided for by their delegates, this provision being made not for governing anywhere, but for defending the rights of those inhabitants before the government here. The appointment of an agent by deed of the corporation may illustrate this, and the nature of the thing is not changed by the use of other forms. The Sec<sup>r</sup>y of State, it is said, has declared the

Governour to be one of the incorporated inhabitants within the intent of the Charter, not considering, I presume, that the Governour is the King's repres<sup>e</sup>, and that one & the same person cannot at one & the same time be Governour & one of the governed. To conclude this point, it appears clearly to me that your pretensions to any rights will be nugatory & vain, if you are not allowed a free defence for their preservation, and therefore I have troubled you with so much matter upon this head. How far my sentiments may coincide with those of others I know not, but I hope they may serve in some measure to illustrate this important subject ; and as the great affairs of the Province require a provincial agent, I presume he will be appointed in the best manner that can be found practicable.

The next thing essential to your defence is a right to pay for the services and the expenses of those who are appointed to make it ; without this it is manifest your being allowed to defend yourselves wou'd be a mere illusion.

The freedom of defence, & proper care to make it in the best manner, being necessary to the enjoyment of your public rights. & the latter lying most within your power ; and in the course of the controversy between the King's ministers, their supporters & adherents and the Colon<sup>s</sup>, your agency, & that of others, appearing to me to have been in a condition unequal to the great occasion, I desire leave to say a few things hereupon. In all civil as well as military contests equality at least in the combat is to be provided, if possible ; now, if to superiour numbers, rewards, power, & influence on one side, superiour knowledge be added, victory will probably follow ; wherefore, under favour, I wou'd advise the Province, whose freedom, with that of the other Colon<sup>s</sup> & their mother country I wish may ever endure, in all future times to provide, if they can, an agent who has more learning & knowledge of the origin, nature, & rights of the Colonies than any of

their adversaries, and to support him in season in a manner suitable to the dignity & difficulty of his office, so that he may appear with grace & spirit when he represents a free people and stands forth ready to maintain their rights against numerous & powerful opponents ; and rewards & punishment<sup>s</sup> being the principal hinges of human government, policy, as well as justice, requires that an able & faithful agent, who in the discharge of his duty, unless the world much amend, will be sure on great occasions to find difficulties enough in his way, ought not to suffer in any respect from, as well as for, the Province. For my own part I know no language sufficient to express the difficulties that have at different times attended the faithful service of the Province, & thank God for being able to say, what none can gainsay, that in the course of my long & hard service I never fail'd, on every great occasion, to discharge that duty which requires your agent to be *fidelis & fortis in arduis*. Be pleased to consider what success attended your affairs while you reposed an entire confidence in me, and being conscious that I have not only done my duty at all times to the Province, but moreover made great sacrifices in point of interest, health, & comfort to the public service, & so given cause of confirming rather than lessening the public confidence, the diminution of it cannot in the nature of things be agreeable. However, so long as I continue in the service I shall, God willing, go on to maintain the public rights in the best manner that lies in my power, well remembering that they who wou'd have justice shou'd do justice. Some intelligent persons have said they were persuaded that if you had continued me in your service I shou'd have been able to have prevented, or lessened at least, your sufferings. What success a difference in conduct wou'd have had I cannot say ; but it is certain that the difficulties of the service are much encreased upon him who acts under a partial right of appearance, the best the times will afford ;

wherefore I am surprised to find my late services have been supposed in point of payment to commence in July, 1769, considering that I had six months before, by presenting your petition & my own, check'd the torrent of ministerial proceedings. The attempt to extend to you, & your supposed offences the stat. for trial of foreign treasons was surely a matter of great importance to you, with labour & difficulty to me. My petition in point of presentation was made upon this ground, that no man loses his domicil by going from home in the public service, and as to the matter of it not one of the crown lawyers wou'd undertake to answer my arguments when call'd upon to do it. No other person had openly appear'd in their public or private capacity to oppose this strange attempt, and several worthy persons, I understand, have preserved a copy of this petition as a lasting monument of the dangerous designs form'd against you, and of my endeavours to defeat them ; and the service continuing in point of attendance and correspondence, among other things, I obtain'd by the assistance of two worthy members of Parliam<sup>t</sup> various attendances, examination of the papers in the drawer of the House of Com<sup>s</sup>, and, insisting with resolution, authentic copies of Gov<sup>r</sup> Bernard's letters. It is needless to say they cou'd not be had at a small expense. However, waving this affair for the present, under persuasion that I shall in time receive a just recompense for my services & expense, I desire to proceed to the future service of the Province, *nil desperandum*; but a victory, you are sensible, cannot be obtained by a retreat, nor expected without th' appointment of proper combatants who know how to take the<sup>r</sup> proper ground, & how to defend it. Wherfore I doubt not the Gen<sup>l</sup> Court will take proper care in this behalf.

After taking great pains to understand the true foundation, structure, & nature of the English Colonies, my political creed is, that in point of right, national policy &

lasting union, with the content, benefit, & safety of all, universal justice & universal social liberty ought ever to pervade the whole British dominion, and that the Colonies by enlarging under so great difficulties the public territory have the most meritorious claim to the perpetual enjoyment of the public rights; and that they who govern the whole, instead of severance in point of right which tends to severance in point of fact, shou'd take for their guidance the political aphorism, *Donec inseparabiles insuperabiles*. Incited by this belief, & the desire to promote the welfare of the Province, I have endeavour'd to accomplish myself as a state lawyer, to which the knowledge of history & civil philosophy are confessedly necessary, a character less frequent of late than in times past, so that I might be able as well as ready to defend any proposition which I shou'd advance on your behalf before the King's ministers, the crown lawyers, or any higher powers, when the occasion shou'd require & they shou'd permit; and after having, on so many greater occasions, with entire or partial authority, or without any, exerted my poor abilities for your service I shou'd take great pleasure in contributing towards the restauration & establishment of your public rights; and therefore, altho' my sense of your present difficulties & dangers seems, in some respects, to exceed your own, I shall be willing to undertake the public service in case the Gen<sup>l</sup> Court shall honour me with their appointment, only desiring that I may serve with a due regard to my own character, justice to the Province service as well as to myself requiring this, and that reasonable satisfaction in point of service & expense may take place in season. I do not mean by anything here said any aversion to Dr Franklin's being join'd with me in the agency in case the General Court shall think the public service requires it; altho' I have heretofore much suffer'd and the service hath been endanger'd by a joint agency. On the contrary I am persuaded (which I cou'd say of few others) that we

shall well agree in the measures proper to promote the public service ; but at the same time in justice to myself observing that the present unhappy contests are of such nature that this junction cannot, I conceive, lessen my labours.

I am with the greatest respect for the Hon<sup>ble</sup> the Council, Sir

Your most obedient & most humble servant.

W. BOLLAN.

P. S. The Council having been pleased to mention their sense of the Middlesex election, and a worthy friend in your neighbourhood, as well as others here, having desired my opinion of this transaction, I send it herewith enclosed for your perusal at your leisure.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, ESQ<sup>R</sup>.

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PETITION TO THE KING.

[January, 1771.]

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL:

THE petition of Will<sup>m</sup> Bollan, Esq<sup>r</sup>, Agent for the Council of your Majesty's Province of the Massachusetts Bay in New England, most humbly sheweth :

That the Charter of this Province, whereby the Council are from time to time constituted, was granted to the inhabitants by their most excellent Maj<sup>s</sup> King Will<sup>m</sup> & Queen Mary, in consideration of their distinguish'd public services and their sufferings by enlarging the public territory and defending it against the enemies of the state.

That their preceding & subsequent services, all things considered, exceed in no small degree the services performed by any other European colony planted in America.

That all the colonies deduced by the modern Europeans, in consequence of their marine discoveries, in making them members of the state, were founded on the celebrated plan of the Romans; but it is presumed that in several points of public service the merits of any one of their *immunes coloniae*, or other numerous colonies, were not equal to the services of the Massachusetts colony.

That their present Charter was, by royal order, formed on the preparation or inspection of Holt & Pollexfen, Chief Justices, and Treby & Somers, Attor<sup>y</sup> & Sollic<sup>r</sup> Gen<sup>l</sup>, who so far promoted & supported the revolution to which, & to your Maj<sup>s</sup> illustrious family, the inhabitants of this Province have ever been firmly attached.

That in the late unexampled state of difficulty & distress which originated in ministerial errors tending to the impoverishment of the British and American merchants & the diminution of commerce, when daily encreasing, which is the chief support of your Maj<sup>s</sup> naval empire, this provinc<sup>l</sup> Council have from time to time, as well as at all other times, faithfully used their best endeavours to promote good order, with obedience to the laws, & the advancement of the royal service, with the public welfare; nevertheless they have been so far misrepresented that to their unspeakable grief they are brought into danger of suffering under your Maj<sup>s</sup> displeasure as an order of men unworthy of their office; but as in absolute governments the prince hath admited appeal from his decisions, that is, *à se male informato ad se bene informandum*; and your Maj<sup>s</sup> equity & goodness being equal to the mildness, justice, & excellence of the British government, which suffers none to be censured or condemned before they are heard & their defence considered, conscious of their own innocence, loyalty, & fidelity, they with all humility confide in your Maj<sup>s</sup> justice & protection, and

Your Majesty's petitioner most humbly herewith presents the evidence of their good conduct, submitting the

same to your Maj's most gracious consideration, and humbly prays that he may be heard in their farther defence, if the occasion shall so require.

All which is most humbly submitted, &c.

W. BOLLAN.

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BENJAMIN FRANKLIN TO JAMES BOWDOIN.

LONDON, Feb. 5, 1771.

DEAR SIR,—I am very sensible of the honour done me by your House of Representatives, in appointing me their Agent here. It will make me extreamly happy if I can render them any valuable service. I have had several conferences with Mr. Bollan on their affairs. There is a good understanding between us, which I shall endeavour to cultivate. At present the cloud that threatened our Charter Liberties seems to be blown over. In time I hope harmony will be restored between the two countries, by leaving us in the full possession & enjoyment of our rights.

It will be a great pleasure to me if I can be any way useful to your son while he stays in England; being, with the greatest esteem and respect for you & Mrs. Bowdoin, dear Sir,

Your most obedient & most humble Servant.

B. FRANKLIN.

P. S. Inclos'd I send you a copy of an original paper of some curiosity now in my hands. The first part, i. e. the Queries, you will find in the papers pertaining to the Governor's History, but not the abstract or state given with them to Mr. Randolph.\* The old spelling is preserv'd in the copy.

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\* Randolph's answers to these queries is dated October 12, 1676, and is printed in Hutchinson's Collection of State Papers, pp. 477-503.—EDS.

By Dire~~c~~on of the Lords of the Committee of Plantations

It is recommended to Mr. Edward Randolph appointed to carry his Maj.<sup>ties</sup> Ire to the Magistrates of the Mata-chusets in New England to informe himselfe as much as he can dureing his stay there of the points following, viz<sup>t</sup>

1. Where the legislative and executive powers of y<sup>e</sup> government are seated.
2. What laws and ordinances are now in force there derogatory or contradictorie to those of England and what oath is proscribed by the government.
3. What number of church members, freemen, inhabitants, planters, servants and slaves there are, of what professions and estates, and how many of them are men able to bear armes.
4. What number of horse and foot and whether they be trained bands or standing forces, and what old and experienced officers they have amongst them.
5. What castles and forts they have in New England and how situated and what stores and provisions they are furnished withall.
6. What are the reputed boundaries and contents of land.
7. What correspondence doe they keep with theire neibours the French on the North & w<sup>th</sup> y<sup>e</sup> government of New Yorke on y<sup>e</sup> South.
8. What hath been the originall cause of this p<sup>r</sup>sent war w<sup>th</sup> y<sup>e</sup> Indians, what are the advantages and disadvantages occasioned thereby, and what will probably be the finall event thereof.
9. What are the commodities of the production, growth and manufacture of the country, and what are those imported from other places, and particularly how the

trade and navigation is carried on, whether directly to and from England or otherwise. What number of ships doe trade thither yearly, and of what burthen they are and where built, and lastly, what notice is taken of the Act of Navigation.

10. What are the taxes and fines laid upon the country, what rates and duties are charged upon goods exported or imported, what public revenue doth arise to the governm<sup>t</sup>, of what nature it is and how and by whom exacted and collected.
11. How they generally stand affected to the governm<sup>t</sup> of England, what persons are the most popular and at present in the magistracie or like to be soe at the next election.
12. What is the present state of the ecclesiasticall government, how the Universities are at present filled and by whome gouerned.

These and other inquiries which his discretion shall dictate are to be made of all the provinces in generall, but particularly of the Matachusets, and how they doe at present correspond with the confederat and other Colonies, and a particular information will be likewise requisite concerning the town of Boston, according to the former heads, how built, fortified, inhabited, & governed, &c.

And an exact mapp of the whole country and town of Boston, if it can be procured, will be of very great vse and servise for a more cleare demonstration of the premises.

And because in severall of these particulars some estimat and calculation hath been made by those that are curious, therefore the said estimat is here undermentioned that Mr Randolph may by his inquiries be enabled when there either to confirme or disprove the truth thereof.

## An Abstract of New England.

There are about  $\begin{cases} 120 \text{ thousand soules} \\ 13 \text{ thousand families} \\ . \quad 16 \text{ thousand y<sup>t</sup> can bear armes.} \end{cases}$

There are  $\begin{cases} 12 \text{ ships of between 100 \& 220 tuns.} \\ 190 \text{ of between 20 \& 100 tuns.} \\ 440 \text{ fisherboats of about 6 tuns each.} \end{cases}$

There are 5 iron workes which cast noe gunns.

15 merchants worth about 50,000<sup>lb</sup>, or about 5000 one w<sup>th</sup> another.

500 persons worth 3000<sup>lb</sup> each.

Noe house in New England hath aboue 20 roomes.

Not 20 in Boston which have above 10 roomes each.

About 1500 families in Boston.

The worst cottages in New England are lofted.

Noe beggars ; not 3 put to death for theft.

About 35 rivers and harbours.

About 23 islands and fishing places.

The three Provinces of Boston, Mayne, and Hampshire are  $\frac{3}{4}$  of the whole in wealth and strenth. The other 4 Provinces of Plymouth, Keneticut, Rhode Island & Kinnebeck being but one quarter of the whole in effect.

Not aboue 3 of their militarie men have ever been actual soldiers, but many are such soldiers as the artillerie men att London.

Amongst their magistrates Leverett the Govern<sup>r</sup>, Major Dennison, Major Clarke, and Mr. Broadstreet are the most popular.

And amongst their ministers  $\begin{cases} \text{Mr. Thatcher} \\ \text{Mr. Oxenbridge} \\ \text{Mr. Higgenson.} \end{cases}$

There are noe musicians by trade.

One dancing school was set up, but put down.

A fencing school is allowed.

All cordage, saile cloth, & netts come from England.  
 Noe cloth mad there worth aboue 4<sup>s</sup> yard.  
 Noe linnen of aboue 2<sup>s</sup> 6<sup>d</sup>.  
 Noe allome, nor coperas, nor salt by the sunn.  
 They take an oath of fidelity to the Govern<sup>r</sup>, but none  
 to the King.

The Gouern<sup>r</sup> chosen by every freeman.

A freeman must bee  $\left\{ \begin{array}{l} \text{Orthodox} \\ \text{aboue 20 yeares} \\ \text{worth about 200lb} \end{array} \right.$

Not 12 ships of 200 tunn each.

Not 500 fishing boats.

#### THOMAS WHATELY TO JOHN TEMPLE.

DEAR SIR,— I am sorry I did not see you before I left town, but you have assign'd the true reason for it ; our Parliamentary business left us time for no other. Your letter has travel'd after me into the country. I return that inclosed from M<sup>r</sup> Hughes, who, I own, seems to me, too ready to take an alarm of the Commissioners' designs against him, unless he has other grounds for apprehension than appear. The idea he suggests for you I should doubt is not easily carried into execution. I do not know that Lord Charles will remain here ; if he should, most probably his successor is determin'd, & therefore without better information and more encouragement that [sic] I can give you I rather wish you not to commit yourself in a pursuit which is likely to be fruitless. That of Ireland is more likely to succeed, if the establishment there should take place, & you give me great pleasure in appearing to be more reconciled to it than you were. I shall have an opportunity of talking over the subject with you very soon ; & when I return to town I will take care

to let you know that we may have some conversation on the subject. I am, dear Sir,

Your most obed<sup>t</sup> & most humble serv<sup>t</sup>.

THOMAS WHATELY.

ESHER, 2<sup>d</sup> April, 1771.

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WILLIAM BOLLAN TO SAMUEL DANFORTH.

NASSAU STREET, SOHO, April 15<sup>th</sup>, 1771.

SIR, — Since my last no motion has been made in Council or Parliament respecting the Province or its Council, and from what was lately said to me at the Council Office & by two of the King's ministers, with the present state of Parliament, I take it for granted no consideration will be had of the Province affairs during this session.

In consequence of the Lieut. Governour's refusing to consent to the grant made to me, in order to facilitate future payment, I wrote a letter to Lord Hillsboro', whereof you have a copy inclosed. Waiting on his Lords<sup>p</sup> the next day he said, he had directed M<sup>r</sup> Pownall, who had my letter, to write me an answer, and then went on to disclaim entirely all authoritative consideration of the matter complain'd of, as not belonging to his office, after which he proposed entring into conversation upon the subject, if desired, and on my assenting spoke to this effect, that the agencies of the Colonies had been attended with great uncertainty & irregularity, so that sometimes it cou'd not be known who had good right to appear; wherefore it was judged proper that the appearance shou'd be made by persons appointed by acts of the several Colonies. To this I answer'd that the inhabitants of Mass<sup>ts</sup> Province being incorporated by Charter their proper & lawful appearance might well & regularly be made in like manner as the corporations in England appear, that is, by their deed made in their corporate name, under their corporate seal, and that th' affixing of

the great seal of the Province completed the deed containing th' authority to appear for it, all prior & preparatory proceedings being merged therein, to which his Lords<sup>p</sup> seem'd readily to assent. I agreed that th' appearance under an act wou'd be good & valid, observing that the threefold assent of the several branches of the Legislature made their act, altho' it was not cast into the form of a law, of whose nature th' appearance of the Province before the government here did no ways partake, but, in my opinion it was best for the Province to conform to the mode of proceeding of the corporations here establish'd by common law & common usage. Among other things his Lords<sup>p</sup> to my surprise said he consider'd the Council as private persons, who might have an agent if they pleased & pay him themselves; whereas you are sensible they are an order of men instituted by Charter, & were censured in their public capacity. I observed to him that a particular charge being made upon them, their sole authority was sufficient and proper to answer it, and that the Council being a constituent part of the body politic, their defence was as necessary to the good of the whole as the care & preservation of an essential part is to the body natural. What passed in this conversation is mentioned for information sake, with exclusion of all farther use to be made of it.

Thro' inadvertence I omited mentioning in my last, according to my intention, that the Clerk of the Council said, M<sup>r</sup> Oliver's affidavit was not laid before the Lords of the Committee last summer, when they enquired into the state of the proceedings within the Province, tho' I doubt not they were made acquainted with it.

I have for some time past, notwithstanding my several misfortunes at sea been much inclined to take a voyage, in order at the next session of the Gen<sup>l</sup> Court to settle & receive my old arrears, with a proper recompense for my late services, and to give that useful information in person

which cannot so well be given in writing; but a tedious cold caught in bad weather, encreased by ministerial attendance & the confinement occasion'd by it, with the Province service having, with the remains of a troublesome cough, made me so tender that I have been advised not to undertake it, especially considering the present severe season, and moreover that the prime min<sup>r</sup> has lately in public declared, or at least discovered, his diffidence of the continuance of the peace, I earnestly pray that, according to the nature of my former request, a just & amicable settlement of my several demands may be made with all convenient speed. I desire only to receive the like justice from the Province which I have done to it, my conscience bearing witness that no consideration whatever hath at any time prevented, or in the least inclined me to forbear, the exertion of my best endeavours to advance the welfare of the Province, and considering the difficult times & great occasions of my services, and that justice requires a due regard to be had to every thing proportionate to its nature & importance, I conclude they will not be undervalued; and I have certainly made great sacrifices various ways to the Province service, for which the Gen<sup>l</sup> Court can give me no equivalent, and it is needless to say that in the days of severe trial I have stood up in defence of your rights & liberties, when no other of the numerous advocates of the Colonies appeared in like manner by their learning & fortitude to check the torrent of the most grievous proceedings against you.

I am with the greatest respect for the Hon<sup>ble</sup> Council,  
Sir,

Your most obedient and most humble servant.

W. BOLLAN.

P. S. Inclosed you receive another copy of the letter to Lord Hillsborough, to be communicated to the House of Representatives, if the Council think fit. Having in the

course of my late services had no connexion with Mr De Berdt, who on my proposal wou'd not join me in a petition to the House of Commons, I desire my reward may be kept distinct.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, ESQ<sup>R</sup>.

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WILLIAM BOLLAN TO SAMUEL DANFORTH.

NASSAU STREET, SOHO, May 6<sup>th</sup>, 1771.

SIR, — According to my information, received various ways, a project has been lately form'd for making the country lying between the rivers Kennebeck & St Croix a distinct province, & S<sup>r</sup> Fran<sup>s</sup> Bernard Govern<sup>r</sup>. Conversing hereupon with one of the principal private owners of lands in that country residing here he told me they had been made to believe that the value of their estates wou'd be much encreased by erecting this new government; whereupon I observed that the principle on which the claim of the Crown was founded was equally subversive of the right of private proprietors & of the right which the Province had to the other lands & to the government of the whole by charter, and that my knowledge of the nature of the claim made in behalf of the Crown was acquired about seven years ago, when a design was form'd of taking the country lying between Penobscot & St Croix from the Massa<sup>ts</sup> Province & joining it to that of Nova Scotia. He seem'd not a little alarmed at this, tho' no great progress has yet been made in this project. By my letters to the Gen<sup>l</sup> Court of the 10<sup>th</sup> of June and 8<sup>th</sup> of July, 1762, & 18<sup>th</sup> of April, 1763, I acquainted them with the claim then set up for the Crown, & the grounds of it, together with my concern & proceedings therein, and the measure which on great deliberation, after consulting with the gentleman employed by reason of my ill state of health, I took in order to frustrate it; that was by pre-

senting a petition to the King, on behalf of Mr Waldo's heirs, wherein I set forth the Province title in law & equity to the government & soil, saving such parts as belonged to private persons. Of this petition I sent several copies to the Gen<sup>l</sup> Court, and my conduct herein so far succeeded as to quiet the claim of the Crown from that time. I have also been inform'd that his Majesty's ministers have under consideration the establishment of the Quarter Master General's staff at Castle William.

I am, with the greatest respect for the Hon<sup>ble</sup> the Council, Sir,

Your most obedient and most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, Esq<sup>r</sup>.

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THOMAS POWNALL TO JAMES BOWDOIN.

ALBEMARLE STREET, June 2<sup>d</sup>, 71.

THE HON<sup>BLE</sup> JAMES BOWDOIN, Esq<sup>r</sup>,

DEAR SIR, — I duly received your several letters & their inclosures. The points mentioned in them as matters which required the attention of your friends engaged my close & constant attention ; not more from what your information gave me hints of, than from what my own observation had led to.

As to any *intention* here to alter your Charter, that entirely depended in my opinion upon the accounts that Ministry shou'd receive of the temper & spirit with which you acquiesced & submitted to the military peace establishment. If you received it with that submission which you have done, & there were no grounds on which your friends cou'd bring forward the consideration in Parliament, all idea of any civil alteration in the charters & constitution of the Provinces became absolutely unnecessary. If, therefore those who might take up these affairs

in opposition to Ministry, not perceiving any ground on which to stand, nor looking to any support which might give effect to their endeavors, did not bring them forward in Parliament, it was clear from the begining of the session that Ministry themselves never intended to bring them forwards; & I believe you may be assured that for the future the affairs of America will be kept clear of Parliamentary ground more & more every day. But as during the sitting of Parliament it is impossible to say what matters may arise, or what turn may be given to the most trifling circumstances, I defer'd writing any thing upon the subject untill I saw the session finally closed. And as during the whole session scarcely one word was said, nay, hardly one idea taken up, respecting American affairs, so now the session is ended there is nothing to write about them. Everything depends upon the course of events, & my real & firm belief as to the affairs of men is, that altho' the Supreme Governor of all things hath endowed us with principles that lead us to interest ourselves, & to mix our actions with the movements of the system, yet he directs by his counsels & determines by his will the final events both of men & things; in which light it may truly be said, that "the race is not to the swift, nor the battle to the strong," but that time & chance happeneth to all things. I think that doctrine cou'd never be with greater propriety applied to any circumstances & events than to the present, respecting the affairs of America. At the same time that this doctrine shews that it is not men who can command events, but events that call forth men, it teaches us this lesson that we shou'd be always ready & prepared to go into action whenever events may call us forth & wher-ever they may point the line of our conduct.

Our attention to this duty can never be in any other way so well kept up as by the intercourse, correspondence & mutual information of men who wish well to the inter-

ests, the liberty, & the peace of mankind. Tis with this view that I hope our correspondence will continue uninterrupted. Tis under these hopes that I shall at all times wish to receive every matter of information and opinion from you. Tis in the same view that I shall be always ready to communicate every circumstance that may come into event here, & every idea that may lead to the existence of any measure that may any way affect the interest of America.

You mention in your letter of Nov<sup>r</sup> 12<sup>th</sup> a Committee of both Houses of your Assembly having under considerat<sup>n</sup> the state of the masts & naval stores in the eastern parts of the Province. If they came to any resolutions or opinions upon that subject, I shou'd be obliged to you if you wou'd send me the report. We had a Committee appointed here to consider the state of naval timber in general, which is found very much to require the attention of government. I was of that Committee; & we came to a general report, which was to be, but is not yet, printed.\* I am of opinion the state of things must lead government to do something herein. I shall take occasions of conversing with the Secretary of the Admiralty upon the subject; & I shou'd therefore be much obliged to you for your particular communication on this head, both as to facts & opinion.

We have been so totally engaged during the sitting of Parliament that I have been absolutely prevented from that intercourse of social civilities which I hope, now Parliament is up, to enjoy with your sons & the friends you recommended to me. I hope within a few days to have the pleasure of their company to dine with me, which may lead to future opportunities of our being more together. I beg my respects and particular regards to all our mutual friends. I am, d<sup>r</sup> S<sup>r</sup>,

Y<sup>r</sup> affec<sup>t</sup> friend & serv<sup>t</sup>,

T. POWNALL.

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\* If I can gett a spare copy you shall have it. — *Marginal note by Gov. Pownall.*

I have an ugly inflammatory cold in my eyes.

Since writing y<sup>e</sup> above I have had y<sup>e</sup> pleasure of seeing M<sup>r</sup> Stewart. Your son I find has entered himself at X<sup>st</sup> Church, Oxford, — a very wise & commendable step in so young a man, & of which I think in every view he will reap y<sup>e</sup> advantage. By y<sup>e</sup> little I saw of him he appears to me to have more of y<sup>e</sup> gentleman & of y<sup>e</sup> honest man than one usually meets with. You are & ought to be very happy in him. M<sup>r</sup> Temple is out of town, by which I was disappointed y<sup>e</sup> pleasure of his company on y<sup>e</sup> King's birthday.

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SAMUEL HOOD TO JAMES BOWDOIN.

CATHERINGTON, June 5<sup>th</sup>, 1771.

DEAR SIR,—I have been favoured with your very obliging letter of Jan<sup>y</sup> 2<sup>d</sup>, and wish to have received it from the hand of your son, from the pleasure I should have had in shewing him every mark of civility & respect in my power. My stay in London was very short. I liked not the manner in which things were going, and therefore chose to avoid every kind of altercation respecting America, from the certainty I have that there is no washing the blackmoor white. I like not the times, and am on that account well pleased to retire to my little farm. Upon the prospect of a rupture with Spain I was appointed to the command of the Royal William, but as soon as peace was settled she was again fixed in ordinary. This comes in his Majesty's ship Captain, which wears the flag of Admiral Montagu, who is coming to command the King's naval forces in the room of M<sup>r</sup> Gambier; and I dare say you will find him ready to assist, countenance & support the trade of the Colonies to the utmost of his power, and I flatter myself he will be an acceptable officer to the Province of the Massachusetts, where he is to fix his headquarters.

M<sup>r</sup>s Hood begs me to present her best wishes & regards to M<sup>r</sup>s Bowdoin and your daughter Temple, as well as to our much respected friends at Ten Hills, and I beg you will remember me to Capt Erving & his family whom I have the pleasure of knowing, as well as all others who hold me in remembrance. Pray what is the fresh bustle between you & your Governor? It has, by the help of your old friend Sir F., prevented the removal of the King's ships to Halifax, which I have reason to believe was intended. I shall always be glad to hear that you & M<sup>r</sup>s Bowdoin enjoy health & every comfort of life, and I entreat you will believe me, with great regard & esteem, dear Sir,

Your most obedient humble servant.

SAM. HOOD.

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WILLIAM BOLLAN TO SAMUEL DANFORTH.

SOUTHAMPTON STREET, COVENT GARDEN, Octr 31<sup>st</sup>, 1771.

SIR,— Upon endeavouring since my last to gain better knowledge of the dependance that could be had on what was said to me touching the readiness of persons in authority to meet the General Court in a good disposition to advance the public service, I was, to my surprize, told by the person concerned, that all that was said was without any authority on his part or mine, who was not empowered to appear for the Province, and that the whole that passed was intended meerly as a personal conference between us, who wished well to the public service; consequently what did pass was improper for farther communication, and in the course of a short conversation he afterwards added, that the ministers were always so disposed. However that may be, or the mistake in this case arose, I desire that no mention may be made of this matter, as it can do no good, and would tend to prevent

those personal conferences which certainly some times help to advance the Province service, and lay difficulties in the way of promoting it.

Notwithstanding what has been said respecting the agency, under favour, I cannot forbear now saying matters are brought to such a pass that it wou'd be easier to make bricks without straw than it is to prosecute the Province service and defend its rights & interests without admissible authority from it, that is, an authority given by the constituent parts of the General Court, the Governour, Council & Repres<sup>ves</sup> of it. In all controversies, you are sensible, the proper appearance of the parties is the first thing to be considered, and they who are to judge of the cause or matter in question will judge of this propriety, and, all things consider'd, it appears to me impossible to shake the determination that has been made respecting the appearance for the Province ; that under the present state of the agency no memorial or petition prepared & offer'd to the King in Council on behalf of the Province in maintenance of its right to the eastern country, or on other occasions, would be admited ; that nothing better can be expected in Parliament, or any of the Boards, especially in case of adverse or prejudicial proceedings ; so that in short the desirable & necessary service of the Province can by no means now be effectually carried on. It is a most disagreeable state to be provided with instructions, proofs, & other necessaries for promoting the service, without having the authority requisite for doing it.

I am, with the greatest respect for the Hon<sup>ble</sup> the Council, Sir,

Your most obedient & most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> SAM<sup>L</sup> DANFORTH, Esq<sup>R</sup>

## JAMES BOWDOIN TO BENJAMIN FRANKLIN.

To BENJ<sup>N</sup> FRANKLIN, Esq.BOSTON, Nov<sup>r</sup> 5, 1771.

DEAR SIR, — I thank you for the copy of Instructions from the Com<sup>tee</sup> of Plantations to M<sup>r</sup> Randolph inclosed in the last letter [dated Feb<sup>y</sup> 5, 1771] with which you honoured me. His answer to y<sup>e</sup> inquiries he was directed to make (if to be had) and compared with the present state of this Province, would probably shew in the articles enumerated the increase since that time. In the present year, pursuant to a late Act of the Gen<sup>l</sup> Court for enquiring into the rateable estate of y<sup>e</sup> Province, lists of the poles and other rateables have been taken in each town, which at y<sup>e</sup> next session of the Court will be laid before y<sup>e</sup> House of Representatives in order to y<sup>e</sup> settling y<sup>e</sup> proportion each town is to bear of future Province taxes. As this may be a matter of curiosity to you, and may serve (compared w<sup>th</sup> prior lists) to confirm your conjecture with regard to y<sup>e</sup> increase of the Colonists, I will endeavour to procure the sums total of the rateables and send to you. But when this can be done is quite uncertain, as it is uncertain when y<sup>e</sup> Gen<sup>l</sup> C<sup>t</sup> will meet, the meeting of which, at least till the next May (w<sup>th</sup> is the Charter) session, seems to depend on instructions not known to be yet received. With regard to instructions, it is obvious from such as have lately operated, that there's a plan for annihilating y<sup>e</sup> Charter by them in a silent piecemeal manner, which if persisted in will be as effectual for that purpose as if done by act of Parliament, as was lately intended by y<sup>e</sup> ministry.

Through y<sup>e</sup> same influence the grants that have been made to you and Mr. Bollan by y<sup>e</sup> two Houses failed; and 'tis not expected that any future grants will pass till y<sup>e</sup> agents are subjected in their appointment to the influence of instructions. I have understood that in several of the Colonies, particularly in Virginia, the two Houses have

each a seperate agent, independent of y<sup>e</sup> Gov<sup>r</sup> who without any difficulty passes y<sup>e</sup> grants that from time to time are made them; and that those agents are acknowledged as such by the ministry. But in this matter I have not been able to come at certainty.

I heartily join with you in hoping that "in time harmony will be restored between the two countries by leaving us in the full possession of our rights."

I am much obliged to you for your kind expressions with regard to my son, to whom I have recommended it to put himself under the instruction of Dr Priestly at Warrington, on y<sup>e</sup> plan pointed out in his Essay on Education for civil and active life. I think this will be no unsuitable introduction to y<sup>e</sup> study of y<sup>e</sup> Law, the profession of w<sup>ch</sup> he prefers to any other. As I understand you are well acquainted with Dr Priestly, I shall be much obliged if you'll favor him with a few lines to y<sup>e</sup> Doctor. I purpose he should return to N. Engl<sup>d</sup> in about 12 months with his uncle M<sup>r</sup> George Erving, who does me the favour to be the bearer of this letter. I beg leave to recommend Mr Erving to you as a sensible worthy gentleman who will be able to give you full information with regard to the affairs and transactions in this country.

I have repeatedly had great pleasure from y<sup>e</sup> perusal of the last edition of y<sup>r</sup> excellent letters which you did me the honour to send me. I have already thanked you for the book and now thank you for that pleasure. I wish it was in my power to execute in this instance the *lex talionis*, in which case you should receive as high a degree of pleasure as you have communicated; and if all the readers of your book could carry y<sup>e</sup> same law into execution, you would be the happiest man existing. I wish the few letters w<sup>ch</sup> bear my signature in the same volume were more worthy the honor you have done them. I am with y<sup>e</sup> sincerest esteem, in w<sup>ch</sup> M<sup>rs</sup> Bowdoin joins me, d<sup>r</sup> S<sup>r</sup>, Yr most ob<sup>t</sup> h<sup>ble</sup> Serv<sup>t</sup>

JAMES BOWDOIN.

## BARLOW TRECOTHICK TO LORD NORTH.

MY LORD,—In January last I waited on your Lordship to request leave to introduce Mr Temple and to ask what I assured myself your Lordship's justice would grant,—the fair & full hearing of his case. I was not admitted to your presence, but was assured by Mr Cooper that your Lordship would see Mr Temple in a few days. I afterwards took the liberty of writing to your Lordship requesting a speedy consideration of his case, & giving my testimony (in which all impartial men who know him will join me) of his uniformly good character & conduct as a servant of the Crown. Mr Temple has had the honor of attending your Lordship, & of receiving from your own mouth the assurance that had your Lordship known sooner the real state of facts he would not have been suspended, and that your Lordship was sorry for it. This has been repeatedly confirm'd to me by Mr Cooper, with further intimation that he would be provided for. Mr Temple has waited ever since at a great expence, & distant from his family & domestick affairs, and now he tells me he is offer'd the place of an Inspector of the Customs in England, a post inferior to his former station, & of course degrading him. Suffer me to awaken your Lordship's feelings of humanity to the case of this oppressed man, whose abilitys & worth stand sacrificed to the machinations of a set of men whose whole conduct has been one continued scene of absurdity & in many instances of venality & wickedness,—is this man, standing acquitted at your Lordship's tribunal to be degraded? And is Sir Francis Bernard, of whose delinquency I have good assurance, & conclusive proofs are in your Lordship's office, to be titled, to be pensioned, & to be honorably employed! Are the blundering Commissioners at Boston to remain in that odious & to the nation an un-

fruitfull office! I am sure, my Lord, all these things cannot be with your Lordship's approbation; at present, however, I apply only for justice to the character & situation of Mr Temple, and I shall be happy to give your Lordship the praise of doing justice to injured merit, and of restoreing to the service of the publick a man who in my eye (and I have known him from infancy) is incapable of swerving from his duty, & who I am sure will do honor to your Lordship's appointment. I am, &c<sup>a</sup>

B. TRECOOTHICK.

LONDON, 8 Novr, 1771.

THE RIGHT HON. LORD NORTH.

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JOHN TEMPLE TO THOMAS WHATELY.

DEAR SIR, — I take the earliest opportunity, after having received what I think a definitive answer from my Lord North, to return you my sincere thanks for the part you may have had in endeavouring to obtain from that minister a reparation of the injury & disgrace done my character by my having been superceeded in the Commission of Customs for America unheard! & even without a charge! As all my solicitations & those of my friends for that purpose have been altogether fruitless! I must take upon me to justify myself in the only way now left me. In this, from your many declarations of friendship, I can have no doubt you will heartily wish me honor & applause. In the execution of this business I shall, however, have occasion to publish extracts from some of your letters written to me, when Surveyor General in America, to which you can have no objection as such extracts will appear to have been written by the direction of Mr Grenville, the then Minister, when you was Secretary to the Treasury. And the obliging mode & manner in which you conveyed his sentiments can't fail to do you honor.

When I have done this & some other little matters, I shall lose no time in returning to N<sup>o</sup> America, from whence I have already been too long absent. But not without first returning many thanks for the very many & warm expressions of friendship & kindness contain'd in your several letters to me abroad, as well as for the civility you have shewn me since my last arrival in England, and at the same time to assure you, that upon all occasions in America I shall have real pleasure in obeying your commands, for that I am, dear Sir,

Your most obedient and most humble servant.

J. TEMPLE.

COCKSPUR STREET, PALL MALL, 10<sup>th</sup> Novem<sup>r</sup>, 1771.

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JOHN TEMPLE TO WILLIAM SAMUEL JOHNSON.\*

LONDON, 4<sup>th</sup> Dec. 1771.

DEAR SIR,—I cannot let the packet go, without informing you that I am well, and that I have accepted the place of Surveyor General of the Customs in England, about £600 a year, and 40 shillings a day when I travel. There are County Surveyor Generals already in England, but this is a new office, superior to them, Surveyor General all over England; it is not the thing that I wished, nor what I had reason to expect; the Commissionership of Ireland, was long held out to my view, but in order to

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\* William Samuel Johnson was the elder son of Rev. Samuel Johnson, of Stratford, Conn., and was born Oct. 7, 1727. He graduated at Yale College in 1744, and after a short experience as a lay reader in the Episcopal Church studied law. In 1761 he was chosen a member of the General Assembly of Connecticut; and in 1765 he was a delegate to the Stamp Act Congress. In the following year he was sent to England as Special Agent of the Colony. In 1771 he returned home, and in May, 1772, he was appointed one of the Judges of the Superior Court. During the war he came under suspicion of "having correspondence with the enemy," and was arrested for treason, but subsequently released. In May, 1787, he was elected President of Columbia College, New York, which office he held for thirteen years. His last years were passed in retirement, and he died at Stratford, Nov. 14, 1819. See Beardsley's Life and Times of W. S. Johnson.—EDS.

ease the Crown of a *pension*, that rascal Bernard had the preference of me. But, I believe no man ever spoke plainer to Lord North than I did upon the occasion ; among other things, I told him, I should as soon have thought of the famous Jonathan Wild's being appointed a Commissioner, as the more infamous Bernard ; finally, I would not accept, till the salary was advanced from 400 to 600£, and pretty good assurances of my being promoted to the English or Irish Revenue Board, as soon as possible ; as things have turned out, 'tis lucky I was not appointed to the new Excise Board in Ireland ; the Commons there have voted it an useless Board, will make no provision for its support, and it's generally thought the institution will fail. The attempt, even, has overset Townshend, and Bernard looks like a chagrined rascal, as he deserves.

I hope you found all your family well and that you are happy, happy in independent private life, which is the best of all. I should have told you, before I accepted, I had determined, upon Bernard's appointment, to lay my case before the public, and retire into private life ; this my Lords Temple and Chatham approved and said, they would bring the affair into the House of Lords, as my friends Meredith, Grenville, Trecothick, Stewart, Colebrook intended to do the same in the Commons, but I considered, that though they would have a fine flourish, I should be sacrificed, and so I took the other course, still with their approbation. Things are much as when you left us ; the Princess D. of Wales cannot live many weeks, said to be rotten with a *cursed evil* ; Squire Morgan married and disgraced ; the Q. of Denmark detected in infidelity ; the D. of Gloucester not likely to recover, and in short, all the horned cattle into disorder.

No Bishop yet intended for America, and I hope to find you alter your sentiments about that matter. I have converted Whately, Trecothick and others ; Dr Berkely and

his family are very well; by the last ship to Boston, I sent you a parcel I rec'd from the old lady,\* which I hope you have received. My compliments to your father and believe me to be, with unfeigned esteem and regard, my dear Sir,

Your most ob<sup>t</sup> and most h<sup>ble</sup> ser<sup>vt</sup>.

JOHN TEMPLE.

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JOHN TEMPLE TO JAMES BOWDOIN.

DEAR SIR,— I take the earliest opportunity (after having a definitive answer from the Minister) to acquaint you that I have accepted the place of Surveyor General of the Customs in England. It is not an appointment I wished for, nor the one I think I had a right to expect; a Commissionership of Ireland was long held out to my view, tho' without an absolute promise. The struggle was considerable between my friends & such of the Ministry as were desirous to ease the King of the *pension* given to the *meritorious* Governor Bernard, who has got that place; & I believe, all things considerd they would not have ventured to have given him the preference but that they thought I was, or soon shou'd be, necessitous, & therefore would accept what I have now done, which for ten days together I absolutely refused to my Lord North in person, & had I been a single man would at all events have resolutely persisted in refusing.

I have done the best I could (with all my friends & relations here in opposition) & tho' it will not be affluence, yet it will make me & my family comfortable, & I hope happy. My Lord Temple has acted the part of a real father to me; my Lord Chatham that of an able kind adviser, and shou'd either of them ever have ministerial power again, I doubt not I should experience the influence of it.

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\* The wife of Rev. Dr. George Berkeley.—Eds.

In many respects it is with great concern that I am seperated from my native Country, which I sincerely love, & shall always wish well to. But it seems to have been a sine qua non with Lord H——h (at the earnest & united instance of the *good* Mr. Hutchinson, Oliver, the Commissioners, & those devoted to their measures) that Mr. Temple shou'd not return to America in a public character, & this was carried so far by his Lordship, that the K. himself signified to Lord North that so it must be, at least for the present, the system adopted for America in some measure depending on it. I am however happy in reflecting that, whatever degree of sacrifice I may have met with, it has been on account of my supposed partiality to the country that gave me birth ; that I have preserved my integrity through the whole of my publick services ; and that I am here look'd upon by both Ministry, & those in opposition, as an honest faithfull servant of the Crown, which I think almost as desirable as the title of Excellency with a sacraficed, or wounded conscience & 1600£ a year, torn from an injured people, however justly they may be branded with being deceitful to one another, & with having been shamefully pusilanimous in the publick cause ! A pusilanimity & mean acquiescence that has in some measure sacrificed every friend they had here, from the noble Earl of Chatham down even to a colony agent or private gentleman, which in silent mortification is felt to the quick, and from such experience I believe it will be with some caution that any person of rank or consequence will ever again step forth in their cause, or pledge themselves for American firmness ! even in defence of their own freedom ; & yet I think the prospect is, that they may have occasion for them. Lord Hillsborough's disposition (from his despicable opinion of their spirit) seems to be to drive the Americans to their mettle, if they have any (which is really doubted here) but, as 't is said, cowards provoked

will do wonders, so perhaps it may be verified in the Colonies. A little more sincerity, & manly firmness in the first instance would, however, have done all they wish'd, & would have saved them a deal of exertion which will now be found necessary to regain the high character that North Americans once honorably sustained in this kingdom, & indeed every where else till the unfortunate & (I could wish) ever to be forgotten year 1770, when, with every thing at stake, they threw up the important game when they had all the trumps in their own hands, & like a Spaniel meanly cringed, & kiss'd the rod that whip'd 'em.

I have passed my time ever since I left N. England in a state of much anxiety, & it has been no small addition to it the thought that you have been thus long incumber'd w<sup>th</sup> my family. Believe me, Sir, I have a sence of the obligation full equal to what any body could wish or desire, and I shall be happy to have an opportunity of discovering it in the strongest manner. I have written to my brother to make the necessary preparations for their coming home to me as soon as the season will permit, & I shall not have a mind at ease untill I see them. I would even come over myself for them, but that my ill-health, when at sea, is so very great, that I fear I should rather be an incumbrance than a comfort to them, & phaps at the same time be render'd unfit for the extensive field of business I am entering into. I cannot conclude without once more assuring you of the gratefull sence I have of the care & tenderness you have shewn them, and that I most sincerely & heartily wish both you & M<sup>r</sup>s Bowdoin all health & happiness, being with every sentiment of respect, friendship & affection, dear Sir,

Your most obedient, and most humble servant,

J. TEMPLE.

LONDON, 4 Dec<sup>r</sup>, 1771.

TO THE HON<sup>BLE</sup> JAMES BOWDOIN ESQ<sup>R</sup>.

## JAMES GAMBIER\* TO JAMES BOWDOIN.

ORCHARD STREET, 25 Dec<sup>r</sup>, 1771.

MR. G. ERVING, my dear Sir, sent me this morning your much esteemd kind letter; having receivd your subsequent one, mentioning his sailing ten days before its date, I was a little uneasy for his safety, till last week Mr Temple told me he had met him. I was the next day visited by the gout in my foot or I woud have endeavor'd finding out Mr G. Erving, from the wish of embracing every opp<sup>y</sup> of shewing any little civility in my power to any friend of yours. The quadrant arrivd safe; I hopd you woud have let it remaind with you as a memento of our friendly converse, while I was for a short time happy at Boston. I am much obligd to you and my other friends for your favorable opinion and good wishes. I have all the reason to expect redress and compensation, as I have already been graciously receiv'd on all sides; yet I look back to America with pleasure as I left it with regret. I saw Pownall well the other day; when next I have that pleasure, my foot being still on the couch, I shall not fail to make your compliments. M<sup>r</sup> Bowdoin did me the favor of a visit, & we have dind together at my friend Durell's, who speaks very highly of him and with no more than strict truth; he is greatly improvd and will, believe me, do you credit. Durell thinks as I do, that twill be critically a great pity not to give him another year in England, as he is in the chain & progress of improvement, which twoud be cruel to break. My gout has prevented me seeing him yet so often as I coud wish & I have been amazingly hurried & my time not yet in the least my own, but monopolized by levees, drawing rooms, Court at-

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\* James Gambier was born in 1723, and died in 1789. In 1778, in which year he was made an Admiral, he commanded on the North American coast; and he was afterward transferred to the Jamaica station. He was father of a more distinguished son, the first Lord Gambier. See Dictionary of National Biography, vol. x. p. 393.—Eds.

tendance & business. Oft have I wishd myself quiet and rationally happy at Boston again. Will ye receive me at Boston if I quit this noisy metropolis of vanity & insincerity, and Americanize in content & ease, and bid adieu to ambition and all its gaudy allurements, unproductive of real happiness, which after four and thirty years unremitting service I begin to experience is not to be found in courts or senates? Twas with the utmost difficulty I brought my dear M<sup>rs</sup> G. alive home, given over most part of the passage, which was indeed one continued storm. She expected every moment to expire, children sick, maids ill & worse than useless, and a terribly mannd ship. You will believe I had enough on my thoughts, and little rest. We cordially hope you & M<sup>rs</sup> Bowdoin, and M<sup>rs</sup> Temple & little ones are all well & happy; our best compliments & good wishes attend you & them. Pray tender mine to my much esteenid friend Col. Erving & the old gentleman & Doctor Cooper; his friend Dr. Franklyn was here the other morning in health, & talks next year of visiting America. Pray tell the ladies I deliverd safe their commands. Our little Bostonian is much admird. She does no discredit I assure you to her native country. We trouble you w<sup>th</sup> our regards & good wishes to Bob Temple & his family. I hope he will make no more trips to the southward, but stay at home and attend to domestick happiness, and the care & education of his children.

All seems quiet here; may harmony and universal cordiality reign at Boston, and may my friends there live long & happy. Adieu and believe me with great regard, dear Sir,

Your faithfull & obedient servant.

J. GAMBIER.

## JOHN TEMPLE TO THE LORDS OF THE TREASURY.

TO THE RIGHT HONORABLE, THE LORDS COMMISSIONERS OF HIS MAJESTY'S  
TREASURY.

The Memorial of Jn<sup>o</sup> Temple, Esq<sup>r</sup>, late a Commission<sup>r</sup> of the Customs in America, humbly sheweth:

That your Lordship's memorialist was in the year 1760 appointed Lieut<sup>t</sup> Governor of the Province of New Hampshire & Surveyor General of the Customs in N<sup>th</sup> America, in which last character he had the honor to serve his Majesty under the administration of the Duke of Newcastle, the Earl of Bute, M<sup>r</sup> Grenville, the Marquis of Rockingham, & the Duke of Grafton as First Lords of the Treasury. That he had the happiness to receive from the Secretary of the Treasury (through the Board of Customs in London) their Lordships' high satisfaction in his conduct & deportment at the head of the Revenue of N. America, & from some of them, the most ample & immediate approbation of his faithful & unwearied services on the most trying occasions in that country, particularly that of the Stamp Act.

That in 1767, unsolicited & unexpected, your Lordships' memorialist was appointed one of the new Board of five Commiss<sup>rs</sup> constituted for N<sup>th</sup> America, two of which number had been inferior officers under your memorialist in the Northern District, & another (who stood first in the commission) was taken from being the Plantation Clerk at the Custom House in London. In this situation your Lordships' memorialist, with the utmost zeal, fidelity, & attention to the King's service, engaged in the business of the new Commission, but was very early so unfortunate as to discover a disposition & design in his brethren, not only to traduce & deprecate his late conduct as Surveyor General, but also by divers methods to lessen him in the esteem of his superiors at the Treasury, which (from the

east of the times, from the troubles in N<sup>th</sup> America, & from S<sup>r</sup> Fran<sup>s</sup> Bernard's known enmity to your Lordships' memorialist for having *detected* him in a very close connection with a notorious plunderer of the public revenue) they had but too advantageous an opportunity of effecting to his prejudice, & in which *unhappy business* they with S<sup>r</sup> Francis appeared to be much more earnest & intent than (by moderation, temper & a manly, impartial use of power) to regulate & improve the revenue under this new form of managem<sup>t</sup>, & of conciliating as much as possible the minds of the people in general to the same, which might have been done to a very great degree at the first setting out, had the Commiss<sup>rs</sup> taken that line of conduct (which your memorialist often & strenuously recommended) rather than that of entering into ignominious cabals, unbecoming personal quarrels, & irritating, unnecessary disputes with the inhabitants of every rank in that country, and then upon the slightest or perhaps without any real occasion discovering such extraordinary timidity as even children ought to be ashamed of, by which all that deference & respect due to the members of a public Board became totally destroyed. Thus unhappily circumstanced your Lordships' memorialist humbly solicited no less than thirteen times for leave to come home to England, as will appear by his letters of the 25 of January & 24 of November, 1768, of the 21 of Feby, 14 of May, 25 Oct<sup>r</sup>, 1769, and 22<sup>d</sup> of March, 1770, to his Grace the Duke of Grafton, then First Lord of the Treasury; & by his letters of the 15 & 27 of May, 13 of June, 2 & 14 of July, 16 of August, 7 of Sep<sup>r</sup> & 15 of Oct<sup>r</sup>, 1770, to the Right Honble. Lord North inclosing divers papers relating to the service; of all which he was so unhappy as to find no notice taken, nor was any permission granted for his coming home to England. Thus after persevering more than three years in the most disagreeable & unhappy situation, observing at the same time the business of the revenue, & (as he

apprehends) the revenue itself, going fast to ruin & destruction, he ventured to come home without leave, trusting entirely to your Lordships' candor & humanity for so doing, seeing that M<sup>r</sup> Robinson, a brother Commissioner, & M<sup>r</sup> Hallowell, an under officer, had before done the like with impunity. But on his arrival in England your Lordships' memorialist had the mortification to hear that he had been some months superceded in the American Commission by the same M<sup>r</sup> Hallowell, an inferior officer. Soon after he had the honor of a hearing from Lord North, who discovered a fair disposition for repairing the injury your memorialist had sustained, both in his character & fortune, by being thus superceded unheard & even without a charge.

That your Lordships' memorialist hath lately had the honor of being appointed Surveyor General of the Customs in England, with 300 £ a year over & above the salary established, in which station (though a degradation in rank) he means to exert his utmost to approve himself to your Lordships for further favor, when a vacaney may happen at either the English or Irish Board of Revenue. That he has been more than a year in England (to the entire neglect of his private concerns in America) attending & solliciting your Lordships on his truely unfortunate case, and at a very great expense, near a thousand pounds of his private fortune, over & above the charges of his voyage, & the loss he must unavoidably sustain in the disposal of his house, furniture, slaves, horses, carriages, &c., by the sudden & unexpected removal of himself & family from that country. That he humbly prays your Lordships will take his singularly hard & unfortunate case into consideration & grant him such compensation from the American revenue chest or otherwise as to your Lordships' candid judgment shall seem proper. And your memorialist is the more encouraged to hope for this mark of your Lordships' candour & justice as M<sup>r</sup>

Hallowell (an inferior officer) had an allowance of guinea a day for the most part of the time that he was in England, holding at the same time either the post of Comptroller at Boston or that of Collector at Piscataqua, & for some part of the time the emoluments of both; besides an allowance from your Lordships of seventy odd pounds for his passage to & from Boston. And all this in addition to his being constituted a Commissioner of the American Board in the room of your Lordships' memorialist, who, with all humility and as in duty bound shall ever pray, &c.

J. TEMPLE.

LONDON, Feby 7, 1772.

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WILLIAM SAMUEL JOHNSON TO JOHN TEMPLE.

STRATFORD, April 30<sup>th</sup>, 1772.

DEAR S<sup>r</sup>,—I received with great pleasure y<sup>r</sup> favour acquainting me with the appointment you have received of Survey<sup>r</sup> General of the Customs in England, which I esteem far preferable to the Irish intention, which, tho' more lucrative, yet must haye exposed you to the resentment of a whole nation, a situation I would not endure for any pecuniary consideration whatever. England too is a more agreeable country to reside in than Ireland, & will open to you future views of further advancement. I sincerely congratulate you on this occasion, & wish you every felicity that the most fond affection can suggest. Your success must have greatly chagrined several on that, as well as on this, side of the water. I am only sorry that y<sup>r</sup> native country will in future be deprived of you, but I trust your affection for it will never fail & you will have frequent opportunities of rendering it very essential services where you are, which I trust you will never fail to embrace, & to make the most of upon all occasions. There is certainly a duty owing to the country that gives us

birth, & we have naturally an affection for it. A wise & good man will indulge the one & never fail to discharge the other upon all proper occasions. You understand our interests & our rights & will, I doubt not, advance the one, & defend the other, to the utmost of your power. In one thing only, that of an American Episcopate, I think you much mistaken. I have no doubt it would be both politically useful & greatly serve the interests of religion, the most important of all others. You will, I trust, one day see it in that light, & will then afford your aid to effect it. Till you are convinced it will be beneficial I do not ask y<sup>r</sup> assistance to promote it, but let me beg you will not oppose it until you have given the subject, as it merits, a very mature & serious consideration. I have no news to tell you. In this part of the world we are very quiet & peaceable. At Boston, I see, there is yet some agitation. For myself I am return'd to my old industrious, busy course of life. This gives me bread. I eat it in peace, & am therewith content. I have a lovely family about me, & in them I am blessed & happy. I should not certainly refuse any thing that would honestly better my external circumstances, which are indifferent enough, but I will seek nothing by dishonourable means, will have nothing that may not be enjoyed with peace, reputation & the good of those with whom I live. I thank you very heartily for the care you took of M<sup>rs</sup> Berkeley's packet. When you have opportunity, pray present my most affectionate complim<sup>ts</sup> to that good family & to their very worthy neighbours, for whom I shall ever retain the most sincere respect & affection, & am, d<sup>r</sup> S<sup>r</sup>,

Your most obedient & most humble servant.

WM SAM<sup>A</sup> JOHNSON.

JOHN TEMPLE, Esq<sup>E</sup>.

JAMES BOWDOIN TO JOHN TEMPLE.

BOSTON, May 9<sup>th</sup>, 1772.

DEAR SIR,— We had great pleasure from y<sup>e</sup> information given by y<sup>r</sup> letter of y<sup>e</sup> 4<sup>th</sup> of Dec<sup>r</sup> last. Your appointment to office in England in the present circumstances of things is preferable to an appointment in America; but it is probable you may have an opportunity after some time of getting an establishment here, if you choose it.

Though a Comissionership in Ireland was long held out to y<sup>r</sup> view, it is lucky you were not appointed to it, as y<sup>e</sup> appointment of y<sup>e</sup> new Board, if still subsisting, has given & will give y<sup>e</sup> people there great uneasiness, and they in return will endeavour to make the holder of it as uneasy as they can. Gov<sup>r</sup> Bernard, who was made head of that Board, as soon as he found it so disagreeable to y<sup>e</sup> people there, I understand, imediately quitted it, on being assured his pension, thô much less than y<sup>e</sup> salary of a Comissioner, should be continued to him. In doing which I think he has acted a prudent part. This gentleman's merits have been strangely overlooked. When will he have the reward to which they intitle him? I cannot view the conduct of y<sup>e</sup> Americans in a light so unfavourable to them as you seem to. Throughout y<sup>e</sup> continent they made y<sup>e</sup> fullest declaration of their rights, and still abide by it. It was backed by associations among the merchants not to import till those rights were acknowledged by y<sup>e</sup> repeal of the acts of Parliament for raising a revenue from America. The associations, with little deviation, was maintained a considerable time, & so far they discovered a laudable spirit. When they were broken, w<sup>ch</sup> first took place at N. York, whose example y<sup>e</sup> other Colonies were necessitated to follow, it was matter of surprize they had continued so long; for besides y<sup>e</sup> operation of interest there were y<sup>e</sup> underworkings and lies of emissaries to make them jealous

and diffident of each other; to which may be added the little effect of y<sup>e</sup> non-importation occasioned by y<sup>e</sup> demands from y<sup>e</sup> Russians & others about that time for British goods,—all which circumstances brought on the breach, which, I think, merits no worse name than a misfortune, and which in a like situation would have happened among any other people under the sun. I don't mean to justify the whole of their conduct, but to intimate that it has probably been as fit and proper as in like circumstances could reasonably be expected. We have this consolation, that nature, whose operation is not controllable by acts of Parliament, will in time free us from all unreasonable impositions, if Parliament should refuse to do it. Capt. Phillips desired me to thank you for soliciting in his favour, of which Jemmy informed him. His being so long neglected has had an ill effect on his health. It is an act of justice that he should be provided for in future, and compensated for the time he has lost since his ejection from Castle W<sup>m</sup>. Your regard for so worthy a man will induce you to use your good offices to procure an appointment for him. I am sorry your anxiety has been increased from an apprehension that your family has been an incumbrance to us. So far from it, that it has added greatly to our happiness; and it is with y<sup>e</sup> utmost regret we part with our dear daughter & her charming little boy. It is, however with y<sup>e</sup> hope of seeing them again with you in a few years; but if Providence should deny us that felicity, may it grant to each of you a long and happy life, and in y<sup>e</sup> next scene, the invisibility of which makes it too little regarded, admit you to joys permanent and uninterrupted. We could not consent to part with your little girl, & should be glad to stop Grenville, if it would not be a disadvantage to him. With y<sup>e</sup> sincerest wishes for y<sup>r</sup> prosperity, in w<sup>ch</sup> M<sup>rs</sup> Bowdoin joins me, I am, w<sup>th</sup> great regard & affection, d<sup>r</sup> Sir,

Y<sup>r</sup> most obed. hble. serv<sup>t</sup>.

JAMES BOWDOIN TO SAMUEL HOOD.

BOSTON, Sept. 2, 1772.

DEAR SIR,—Having so good an opportunity by Capt. Linzey, I embrace it to express my best regards for yourself and M<sup>r</sup>s Hood and all the branches of your family. Capt. Linzey has just made himself happy by entering into the connubial state,\* in which I wish him as many young Linzies as he would choose to have. My son is returned to America much mended in his health. I am greatly obliged to you (as he also is) for your kind expressions with regard to him. I observe you are not well pleased with the times, nor y<sup>e</sup> manner in which things are going. They are both bad enough; and I believe very few approve them but such as are interested in the support of y<sup>e</sup> present system, a system founded on venality and corruption, and whose end, at least whose tendency, is despotism. I wish y<sup>e</sup> operation of it, if it must operate, was confined to your island, but in fact it seems as extensive as the dependencies thereon, and is most certainly felt in America. Ever since your patron, M<sup>r</sup> Pitt, quitted the helm things have gone wrong, and I am afraid will continue to do so till he again shall guide it, or one of his sentiments, honesty, and abilities. But enough of polities, since y<sup>e</sup> present system affords so little matter for pleasing reflection. M<sup>r</sup>s Bowdoin has lost her daughter, and never expects to see her again on this side y<sup>e</sup> water. We have just heard of her arrival in England, where M<sup>r</sup> Temple has a handsome appointment, and where she may be happy in seeing M<sup>r</sup>s Hood. Your friends at Ten Hills are well. They and Capt. Erving thank you for yr. kind enquiries, and send their compliments. M<sup>r</sup>s. Bowdoin's

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\* Captain John Linzee, then commanding the Beaver, married Susanna Inman, Sept. 1, 1772. See 2 Proceedings, vol. x. p. 19.—Eds.

best regards & wishes wait on Mr<sup>a</sup> Hood, & I beg you will permit me to accompany them. I am with great truth & respect, d<sup>r</sup> Sir,

Yr. most obed<sup>t</sup> hble. serv<sup>t</sup>

J. B.

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JAMES BOWDOIN TO THOMAS POWNALL.

BOSTON, Sept<sup>r</sup> 29, 1772.

DEAR SIR,— You judged perfectly right, and with a candour that has always distinguished you, in imputing my late silence to any cause rather than disregard and neglect. These can never take place so long as I retain any remembrance of the civilities of Gov<sup>r</sup> Pownall. A constitutional weakness of eyes w<sup>ch</sup> always made writing painful, and a fall from my horse, the effects of which I have not yet got rid of, have occasioned my not acknowledging sooner the receipt of several letters you favoured me with. As to the proceedings of y<sup>e</sup> Gen<sup>l</sup> Court relative to timber, the two Houses in consequence of y<sup>e</sup> Gov<sup>r</sup>'s speech on that subject, which greatly faulted the people who had setled in the townships lately granted by the Gen<sup>l</sup> C<sup>t</sup> to y<sup>e</sup> eastward of Penobscot River, and w<sup>ch</sup> intimated y<sup>e</sup> propriety of removing them, thought it necessary in y<sup>e</sup> June session, 1771, to write to their agents on that head, and accordingly wrote them a long letter to place in a favorable light the people who had setled in those townships, and to assist them in obtaining the King's confirmation of the Province grants; and also to give the s<sup>d</sup> agents information concerning the mast-trees, lumber business, &c., that they might defend y<sup>e</sup> Province against the charge of negligence in preserving y<sup>e</sup> King's timber. In one of those townships (Machias) there being a disturbance among y<sup>e</sup> people a com<sup>tee</sup> of Council was appointed to go thither, & one of their instructions was to enquire about y<sup>e</sup> growth of mast timber in them, and whether the setlers there wasted and

destroyed it. The com<sup>tee</sup> went accordingly, and have reported their proceedings to y<sup>e</sup> Gov<sup>r</sup> & Council. The report was made last Sept<sup>r</sup>, and a copy of it has been sent by y<sup>e</sup> Gov<sup>r</sup> to Lord Hillsborough. This copy, I suppose, your brother M<sup>r</sup> Sec<sup>ry</sup> Pownall can furnish you with, as can D<sup>r</sup> Franklin & M<sup>r</sup> Bollan with the letter above mentioned.

For several years past the lands of y<sup>e</sup> Kennebeck Prop<sup>rs</sup> have been pillaged of mast timber by y<sup>e</sup> agents of the mast contractors which occasioned the Prop<sup>rs</sup>' com<sup>tee</sup> to write to Gov<sup>r</sup> Wentworth, y<sup>e</sup> Surveyor Gen<sup>l</sup> of y<sup>e</sup> Woods, to prevent it; but he says it is not in his power, as he is only an executive officer, that his licenses only respect the King's woods. and that y<sup>e</sup> mast-cutters are subject to prosecution, if they cut contrary to their licenses. As the Prop<sup>rs</sup> did not incline to incur y<sup>e</sup> expence of a law suit, they laid their case before administration by petitions dated in December last, — one addressed to y<sup>e</sup> Lords of y<sup>e</sup> Admiralty forwarded by Gov<sup>r</sup> Wentworth, a duplicate of the same forwarded by Admiral Montagu, and a second petition of the same tenor addressed to the Lords of the Treasury, forwarded by Gov<sup>r</sup> Hutchinson to Lord Hillsborough. To y<sup>e</sup> petitions are annexed a state of y<sup>e</sup> s<sup>d</sup> Prop<sup>rs</sup>' title, an account of their great expence & exertions to settle that country, & extracts from y<sup>e</sup> acts of Parliament for preservation of white pines to shew the s<sup>d</sup> acts do not relate to pines growing within our Kennebeck purchase. These petitions the gentlemen who forwarded them informed us some time ago have been received, but we have not learnt that they have produced the desired effect. In y<sup>e</sup> mean time the mast cutters continue their depredations as before; and are now preparing, as we are informed, to make great destruction of our property the next winter. I suppose you can see those petitions at the Boards to w<sup>ch</sup> they are addressed, and also the letters sent with them from the gentlemen who forwarded them. If there be any observations in any of those letters to the disad-

vantage of the s<sup>d</sup> Prop<sup>rs</sup> title, which has lately been apprehended, I earnestly beg y<sup>e</sup> favour you will procure for me a copy of such parts of them as contain those observations. I will replace the cost of it, be greatly obliged to you, and subject to such injunctions concerning it as you think proper. M<sup>r</sup> Vassall (Florentius Vassall) has a copy of the s<sup>d</sup> petitions and papers annexed which were sent to him by the Kennebeck com<sup>tee</sup>, and which I doubt not that gentleman will readily communicate to you. By the next vessell (if my eyes will permit) I intend myself the honour of writing to you again, and in the mean time with great esteem beg leave to subscribe myself, d<sup>r</sup> Sir,

Y<sup>r</sup> most obed<sup>t</sup> hble. serv<sup>t</sup>.

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JAMES BOWDOIN TO THOMAS POWNALL.

BOSTON, Oct<sup>o</sup> 24, 1772.

DEAR SIR, — By his Majesty's schooner Sultana I had the pleasure of writing to you y<sup>e</sup> 29<sup>th</sup> of Sept<sup>r</sup>. The removal of y<sup>e</sup> General Assembly to Boston, as well as from it, has proved alike ineffectual to bring them to an acquiescence with ministerial measures. The air of Cambridge & of Boston is equally unsuitable to make them view objects as they appear in the Court medium. That of Penobscott might have some effect upon them, the salubrity of which you have experienced. Would it not be worth while for our state physicians to prescribe it? Perhaps it may have some quality to rectify y<sup>e</sup> defects of vision,

— “to purge from thick films the mental ray  
And on their sightless eye-balls pour the day.”

I believe on my conscience it would evidence the skill of those physicians in their profession as much as some other of their prescriptions. What past on y<sup>e</sup> subject of remov-

ing the Assembly back to Boston the prints have informed you; and what has past since respecting y<sup>e</sup> Governor's receiving his salary from y<sup>e</sup> Crown has been conveyed to you thrô y<sup>e</sup> same channel. You Governors are posted on very advantageous ground. You can attack when you please; are always sure of the last fire, and by that means of coming off with advantage, or at least of retiring from y<sup>e</sup> field of battle without the danger of immediate pursuit. The last message, and which put an end to the session, carried y<sup>e</sup> air of victory, which probably would have been disputed, if opportunity had been given for it; but that, though generous in itself, might not be deemed a proper act of generalship. However, 'tis possible that in y<sup>e</sup> course of y<sup>e</sup> next campain y<sup>e</sup> battle may be renewed upon the same ground. But to speak plain English, the Assembly apprehend the Province Charter determines y<sup>e</sup> manner in which the Gov<sup>r</sup> shall be supported, viz., by grant from y<sup>e</sup> Assembly; that the present mode of supporting him is inconsistent with y<sup>e</sup> Charter; and that he so far forth ceases to be y<sup>e</sup> Charter Governor. If this be a just ground for uneasiness, the support of the Judges of our Superior Court in the same way must be abundantly more so. Their allowance, 'tis true, is too small; but it has been uniformly y<sup>e</sup> same for many years. The present Bench therefore, who well knew before their appointment the emoluments of their office, have no reason to complain. When y<sup>e</sup> last usual grant was made they wanted but a single vote for the enlargement of it; and it is probable that at y<sup>e</sup> next session the Assembly, if not prevented by ministerial interference, will enlarge it. In an independent state it is proper the Judges should be independent, as in England. But in a subordinate state, as this Province, it is not so clear that they should be independent of its Assembly. It is easy to conceive, and we have now abundant facts to verify it, that a parent state by superior power may impose taxes on, & transfer its revenue & other

laws to, the subordinate state; whence, as well as from other sources, many cases determinable by those Judges may arise, which shall deeply affect the rights & property of the latter. Now, to instance in this Province, who are likely to be appointed Judges if the Assembly has no check upon them? Will they not be such as the minister shall instruct his Governor to appoint? And to such appointment is any effectual opposition to be expected from a Council whose existence every year depends on y<sup>e</sup> Governor who holds his office at the will of the minister of the foreign state? It is morally certain the Judges will be such as the minister will approve, and in no long time after the establishment will be such as will be sent from the foreign state with mandamus to y<sup>e</sup> Governor to appoint them to that office. This would probably be y<sup>e</sup> case even if y<sup>e</sup> establishment were derived from y<sup>e</sup> Province legislature, who ought to be, if the measure be a fit one, the enacters of it; and it is equally probable that such Judges would not be very tender of the property and rights or even the lives of the provincials where they interfered with ministerial measures, the tendency or the end of which might be to reduce them to a state of absolute subjugation. Hence it appears to me a proper inference that in the present state of things, the Judges of our courts, even if the Province Charter were wholly silent about it, ought to depend for their support on grants from the Assembly. But what shall we say if the report be true that y<sup>e</sup> ministry have undertaken to provide for the support of y<sup>e</sup> Judges? Will it not be contrary to, and so far vacate the Charter? Will it not place them in absolute dependence on minis<sup>rs</sup>, and therefore unless they will forfeit their stipends must they not in a judicial way, which will be an effectual one, and for w<sup>ch</sup> there will not be wanting opportunities, endeavour to confirm & establish all the measures of ministry, however oppressive and enslaving? What those measures will be in their nature

& tendency our experience in the last seven years affords sufficient means to conjecture. Perhaps it may be said their stipends were made certain to them by act of Parliament. But are not acts of Parliam<sup>t</sup> acts of ministry? Cannot they alter or reverse them at pleasure? And with respect to Parliament itself is it not in y<sup>e</sup> hands of ministry as clay in the hand of the potter? These questions I am not capable of resolving; but if those that are should find sufficient reason to resolve them affirmatively, will not y<sup>e</sup> Judges, though provided for by act of Parliament be in a state of absolute dependence on ministry? and will not the evils hinted at above be the natural consequence? What effects will be produced by these new manœvres, added to those of a few past years, time will unfold; as it will that I am & always shall be, with y<sup>e</sup> most perfect esteem, d<sup>r</sup> Sir,

Y<sup>r</sup> most ob<sup>t</sup> & very hble. serv<sup>t</sup>

JAMES BOWDOIN.

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JAMES BOWDOIN TO JOHN TEMPLE.

BOSTON, Nov<sup>o</sup> 2, 1772.

DEAR SIR, — Your several letters and the enclosures relative to Capt. Phillips's appointment to be fort major of Castle W<sup>m</sup> I communicated to him. He is very sensible of the extraordinary manner in w<sup>ch</sup> you exerted yourself on that occasion in his behalf, and expresses in warm terms his obligations to you. He is lately returned from N. York, in y<sup>e</sup> neighbourhood of which he passed y<sup>e</sup> summer, and is much recruited in his health and spirits, to which his re-appointment to office has very probably contributed. He saw Gen<sup>l</sup> Gage at N. York, who gave him his co~~m~~ission and a warrant for his back-pay. With this appointment everybody seems pleased, and I believe it will make him very happy. I hope you'll

succeed in your endeavours to procure him the former perquisites.\*

Your letter accompanying the cheeses I sent with one of them to M<sup>r</sup> Pitts, and half of the other I sent to D<sup>r</sup> Chauncy. They thank you for them. I read to him y<sup>r</sup> letter, as I did also your other letters. The Dr. says he shall keep y<sup>e</sup> cheese for his best friends only, and shall let them know it is the produce of the Earl of Chatham's estate, & for that reason will deal it out to them very frugally, as he means to keep it as long as he can, as a memento of the man to whom y<sup>e</sup> nation is under infinite obligations. Tho' such a memento is very perishable, I was much pleased with y<sup>e</sup> warmth of y<sup>e</sup> Dr.'s expression & his zeal to do justice to so distinguished a character. If his L<sup>d</sup>ship had been continued the Palinurus of y<sup>e</sup> state the public happiness founded on the mutual confidence of prince and people would probably not have been interrupted, nor a foundation laid of y<sup>e</sup> seperation of y<sup>e</sup> Colonies from Britain, which unless the operations of nature be reversed, will infallibly be y<sup>e</sup> consequence of the ministerial system now executing in America, and particularly in this Province, and to which you can be no stranger. The new object of uneasiness is y<sup>e</sup> dependence of our Judges on ministry for their support, and y<sup>e</sup> making by an act of the last session of Parliament certain offences in America triable in England. Both of which, as well as many other of their acts shew a total disregard to and a manifest infraction on the rights of Americans in the most important instances in w<sup>ch</sup> the rights of the people of England are effectually secured to them. Such impositions and discriminations will work their effect, and the effect will appear when the balance of power shall be reversed, or

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\* Among the Temple Papers are numerous letters from Mr. Temple, showing the great interest which he took in the case of Major John Phillips, who was superseded in the command of Castle William by Col. Dalrymple. Most of them are printed in the Proceedings, vol. xii. pp. 207-211.—EDS.

the two scales shall approach nearer to an equilibrium, which every day hastens. It seems Lord Hillsborough as y<sup>e</sup> minister for America has made his exit. From Hudson's Bay to Florida there will be no great lamentation on that occasion, especially as his successor, Lord Dartmouth, has y<sup>e</sup> character of being the friend of America, in w<sup>ch</sup> character he can be no enemy to Great Britain. It gives us joy that Grenville has got well thro' y<sup>e</sup> small pox. Y<sup>r</sup> little girl is as plump as a partridge, & makes us all happy. M<sup>rs</sup> Bowdoin's & Jemmy's best regards to you & Betsy accompany those of, dr<sup>r</sup> S<sup>r</sup>,

Y<sup>r</sup> most obed. h<sup>ble</sup> serv<sup>t</sup>.

JAMES BOWDOIN.

I send you P<sup>r</sup> Scott one of our island cheeses of last year's growth.\*

THE COUNCIL AND HOUSE OF REPRESENTATIVES TO LORD DARTMOUTH.†

PROVINCE OF MASSACHUSETTS BAY, June 29, 1773.

TO YE RIGHT HON<sup>BLE</sup> YE EARL OF DARTMOUTH.

MY LORD,—The re-establishment of the union & harmony that formerly subsisted between Great Britain & her Colonies is earnestly to be wished by the friends of both. As y<sup>r</sup> Lordship is one of them, y<sup>e</sup> two Houses of y<sup>e</sup> Assembly of this Province beg leave to address you. The original causes of the interruption of that union & harmony may probably be found in y<sup>e</sup> letters sent from hence to administration and to other gentlemen of influence in Parliament, since the appointment of Sir Francis Bernard to y<sup>e</sup> government of this Province. And there is great reason to apprehend that he and his coadjutors originally

\* The island referred to is Naushon, the property and occasionally the summer residence of Mr. Bowdoin. See 6 Mass. Hist. Coll., vol. v., p. 366, note. — Eds.

† Printed from a rough draught in the handwriting of James Bowdoin. — Eds.

recommended & laid the plans for the establishing y<sup>e</sup> American revenue, out of which they expected large stipends & appointments for themselves, and which through their instrumentality has been y<sup>e</sup> occasion of all the evils that have since taken place. When we had humbly addressed his Majesty and petitioned both Houses of Parliament, representing our grievances and praying for the repeal of the Revenue Acts, the like instruments, and probably y<sup>e</sup> same, exerted themselves to prevent those petitions being laid before his Majesty & the Parliament, or to frustrate the prayer of them. Of this we have just had some new and unexpected evidence from original letters of Governor Hutchinson & L<sup>t</sup> Governor Oliver, in which the former, particularly & expressly by his letter of y<sup>e</sup> 10<sup>th</sup> Dec<sup>r</sup>, 1768, endeavoured in co-operation with Gov<sup>r</sup> Bernard to frustrate a petition of a number of the Council for y<sup>e</sup> repealing those acts and to procure his Majesty's censure on the petitioners; and the letters of y<sup>e</sup> latter, by y<sup>e</sup> disadvantageous idea conveyd by them of the two Houses of Assembly, manifestly tended to create a prejudice against any petitions coming from a body of such a character, and his letter of y<sup>e</sup> 11<sup>th</sup> of May, 1768, in particular, mentions y<sup>e</sup> petition of y<sup>e</sup> House of Representatives to his Majesty and their letters to divers noble Lords with such circumstances as had a tendency to defeat y<sup>e</sup> petition and render y<sup>e</sup> letters of no effect. It is now manifest, my Lord, what practices and arts have been used to mislead administration, both in y<sup>e</sup> first proposal of American Revenue Acts and in y<sup>e</sup> continuance of them. But when they had lost their force, and there appeared under the influence of y<sup>r</sup> Lordship a disposition in Parliament to repeal those acts, his Exc<sup>y</sup> Gov<sup>r</sup> Hutchinson, in his speech at y<sup>e</sup> opening of y<sup>e</sup> last session of y<sup>e</sup> Gen<sup>l</sup> Court, was pleased to throw out new matter for contention & debate, and to call on y<sup>e</sup> two Houses in such a pressing manner as amounted to little short of a challenge to answer him.

Into such dilemma were they brought by y<sup>e</sup> speech that they were under a necessity of giving such answers to it as they did, or having their conduct construed into an acquiescence with the doctrines contained in it, which would have been an implicit acknowledgment that y<sup>e</sup> Province was in a state of subjection differing very little from slavery. The answers were y<sup>e</sup> effect of necessity, and this necessity occasiond great grief to y<sup>e</sup> two Houses. The people of this Province, my Lord, are true and faithful subjects of his Majesty, and think themselves happy in their connection with Great Britain. They would rejoice at y<sup>e</sup> restoration of y<sup>e</sup> harmony and good will that once subsisted between y<sup>e</sup> parent state and them; but it is in vain to expect this happiness during y<sup>e</sup> continuance of their grievances, and while their charter rights one after another are wrested from them. Among these rights is the supporting of y<sup>e</sup> officers of y<sup>e</sup> Crown by grants from y<sup>e</sup> Assembly; and in an especial manner y<sup>e</sup> supporting of the Judges in the same way, on whose judgment the Province is dependent in y<sup>e</sup> most important cases of life, liberties, & property. If warrants have not yet been, or if they already have been issued, we earnestly beg y<sup>e</sup> favour of your Lordship's interposition to suppress or recall them. If y<sup>r</sup> Lordship should condescend to ask what are y<sup>e</sup> means of restoring y<sup>e</sup> harmony so much desired, we sh<sup>d</sup> answer in a word that we are humbly of opinion if things were brought to y<sup>e</sup> general state in w<sup>ch</sup> they stood at the conclusion of y<sup>e</sup> late war, it would restore the happy harmony that at that time subsisted. Your Lordship's appointment to be principal Sec<sup>y</sup> of State for y<sup>e</sup> American Department has given the Colonies y<sup>e</sup> highest satisfaction. They think it a happy omen, and that it will be productive of American tranquillity, consistent with their rights as British subjects. The two Houses humbly hope for your Lordship's influence to bring about so happy an event; and in y<sup>e</sup> mean time they can with full confidence rely on your

Lordship that y<sup>e</sup> machinations of Sir Francis Bernard and other known enemies of y<sup>e</sup> peace of G<sup>t</sup> Britain & her Colonies will not be suffered to prevent or delay it.

This letter, w<sup>ch</sup> has been agreed on by both Houses, is in their name and by their order signed & transmitted to y<sup>r</sup> Lordship, by,

My Lord, yr. Lordship's most obed<sup>t</sup> & very hble. serv<sup>t</sup>.

Indorsed by James Bowdoin : "The Council & House of Rep<sup>s</sup> Letter to Lord Dartmouth signed by Sec<sup>y</sup> Flucker, June 29, 1773. Tho<sup>s</sup> Hutchinson being Gov<sup>r</sup>."

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#### JAMES BOWDOIN TO WILLIAM BOLLAN.

# Coffin from Nantucket.

BOSTON, June 30, 1773.

SIR,— Yesterday y<sup>e</sup> Gen<sup>l</sup> Court was prorogued to September. The same day before y<sup>e</sup> prorogation y<sup>e</sup> two Houses agreed on a letter to Lord Dartm<sup>o</sup>, & ordered it to be signed and transmitted in their name by y<sup>e</sup> Sec<sup>y</sup>. It will be sent by this conveyance enclosed in a cover directed to you & Dr Franklin, to be deliv<sup>d</sup> to his Lordship in such manner as you & y<sup>e</sup> Dr shall think proper.

The Com<sup>tee</sup> of Council appointed to correspond w<sup>th</sup> you desired me to send you a copy of it (w<sup>ch</sup> is enclosed) as they could not meet before y<sup>e</sup> departure of y<sup>e</sup> vessel. They w<sup>d</sup> be glad to know how y<sup>e</sup> letter is rec<sup>d</sup>, & what notice has been taken of the proceedings of y<sup>e</sup> Gen<sup>l</sup> C<sup>t</sup> in y<sup>e</sup> last winter session. I am respectfully, S<sup>r</sup>,

Y<sup>r</sup> most obed<sup>t</sup> hble. serv<sup>t</sup>

JAMES BOWDOIN.\*

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\* A duplicate of this letter, with the enclosures, was sent July 9. Mr. Bowdoin then added: "The Speaker of y<sup>e</sup> House of Rep<sup>s</sup> has sent to Dr Franklin two authenticated copies of y<sup>e</sup> Gov<sup>r</sup>'s & Lt Gov<sup>r</sup>'s letters, and has desired y<sup>e</sup> Dr to let you have one of them." Copied on the same sheet of paper is an incomplete abstract of the letters referred to, in the handwriting of Bowdoin, headed: "The subject or heads of divers letters from Boston to gentlemen in administration at London; taken from the originals, which by the death of George Grenville, Esqr (late Secretary of State) & of Thomas Whately, Esqr, Secretary to him, fell into hands of gentlemen who permitted them to be sent to Boston for the perusal of a few persons in New England. They were sent by Dr. [blank] to [blank], and rec<sup>d</sup> at Boston, March [blank], 1773." — EDS.

## FREDERICK VANE\* TO JOHN TEMPLE.

[July, 1773?]

DEAR SIR,— I have frequently turned in my mind the subject matter of our conversation the morning we walked together in St James Park, & since I came into this country I have mentioned it to my brother Darlington, whose *peculiar* prudence will not suffer him to say *No* to any thing I may think honorable for myself, but seemed surprised at my shewing an inclination to leave my own country. If to be made an instrument of restoring that antient good humour & harmony which subsisted betwixt the mother country & the Colonys, & at a time too when it is of the utmost import to this nation, did not appear to my mind most honorable, I would not glance an eye to such an employment, & leave my own country & friends & some whom I dearly love. For 'tis not want that induces me to covet such an employment. Riches neither is, nor ever was, the object of my wishes. And if Lord Dartmouth thinks so favorably of me as to recommend me to his Majesty for the purpose of carrying abroad any healing measures, I should only hope, if I executed my trust with fidelity, & health or any other circumstance shoud make me desirous of returning home, I might then be placed in as comfortable a situation as I was found in.

You know my mind *now*. Was I with you I woud in confidence say something more of my brother's sentiments. But I must leave it entirely to you to name me again if you think proper to Lord Dartmouth. I shoud not choose to ask my brother to sollicite this employment. If I am thought a proper person by his Lordship, & the offer is made, I shall consider myself at liberty to accept of it. I have been told I lost Jamaica for not asking it. I know

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\* Second son of the first Earl of Darlington, and a lineal descendant from Sir Henry Vane, Governor of Massachusetts, 1636-7. He was born in 1732 and died in 1801.—Eds.

not that. Such an employment never enterd into my mind till M<sup>r</sup> Fuller proposed it to me, & sayd he knew I shoud be agreeable to the gentlemen of the island. I declined asking it on account of my family connections in this country. The same reason holds for *my* not *requesting* it at this time. But as I pledged myself for the acceptance of it, if they coud procure it for me, so if Lord Dartmouth considers me as capable, & desirous of going with such instructions as we talked of, & thought most likely to answer the true ends of government at home & the wishes of the moderate & sober part of the inhabitants of New England, enthusiastic as it may sound, I have that love for Old England & its old constitution that to be of some service to my country, woud afford me a very sensible pleasure. Of course I shall be glad to hear from you upon this subject, & sure I do not judge amiss in leaving this to your good sense & prudence. M<sup>rs</sup> Vane joins me in compliments to M<sup>rs</sup> Temple. I am

Very sincerely your friend & humble serv<sup>t</sup>

FRED. VANE.

M<sup>r</sup> Pownal has, I hear, sayd the government are solliciting him to go over. I woud by no means set myself up in competition with him or any other gentleman more conversant & capable than I feel myself. I am only ready to answer when called upon.

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FREDERICK VANE TO JOHN TEMPLE.

SELABY, Aug<sup>t</sup> 22<sup>d</sup>, 1773.

DEAR SIR,—I took the liberty of writing to you a few lines some time ago upon the subject of our conversation in St James Park. I now read in the papers that M<sup>r</sup> Pownal is to go to New England ; I hope upon the conciliating plan & to bring back that country to its ancient good

humour, I might say, good sense, for in that they seem no ways deficient. Having glanced an eye that way I am sollicitous to know what is realy doing, for I know little but what I see in the papers. At the same time I cannot expect as much of your opinion as perhaps you might have confidence in declaring were we to converse together again upon that subject. Our government here seem to have much upon their hands, East Indies, Ireland, America, &, to crown the work, a new Parl<sup>t</sup>. My mind is at present employd about farming, & I shoud leave it for the busy world with some reluctance. M<sup>rs</sup> Vane is very well. I hope your wife & little one are the same. Excuse my troubling you with this, & allow me to say, I am

Y<sup>r</sup> very sincere, humble serv<sup>t</sup>.

FRED<sup>x</sup> VANE.

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#### WILLIAM BOLLAN TO THE COUNCIL OF MASSACHUSETTS.

S<sup>o</sup>HAMPTON STREET, COV<sup>T</sup> GARDEN, Sept. 1<sup>st</sup>, 1773.

GENTLEMEN, — Since my last Mr Pownall, who, you are sensible, is not only Se<sup>cry</sup> to the Plantation Board, but likewise to Lord Dartmouth as Se<sup>cry</sup> of State, took occas<sup>n</sup> to observe to me these three things, whether by order of his superiors or not, I cannot say : 1<sup>st</sup>, that all the Crown lawyers were of opinion the Stat. of Hen. 8<sup>th</sup> respecting the trial of foreign treasons extended to the Colonies ; 2, that in consequence of a doubt which formerly arose at the Council Board respecting this extent, the Chief Justice, who was a member of that Board, by the King's order, took the opin<sup>n</sup> of the other eleven Judges, who unanimously agreed with him in opin<sup>n</sup> that this Stat. did extend to the Colonies ; 3, that the governm<sup>t</sup> were in poss<sup>n</sup> of this jurisdiction, several offenders having suffer'd under the exercise of it. These observations containing some new as well as import<sup>t</sup> matter, I confess'd the au-

thority was great, without giving up my opin<sup>n</sup>, and after reconsidering this arduous question as far as the time wou'd permit, I observed to him that no man or order of men can possibly judge of that which is not exposed to their judgm<sup>t</sup>, that the true political state of the Colon<sup>s</sup> was not known to the twelve Judges when they gave their opinion, which is irreconcileable with it, as I hope clearly to evince from matters of record as well as reason, as soon as time sufficient & avocations unavoidable will allow, and that I retain'd my former opinion, which seem'd, I thought, to surprise him. Afterwards I observed to Lord Dartmouth that cutting off the Colonies from the kingdom for one purpose had a tendency to cut them off for others, to which he seem'd to assent. It is needless to add that the opin<sup>n</sup> of the Judges & lawyers hath been confirm'd by both Houses of Parl<sup>t</sup> & adopted by the King & his min<sup>rs</sup>, or to take notice of the time, learning & labours requisite to oppose these united authorities, which cannot be done in the most efficacious manner without taking & clearing the ground proper for the defence of your other rights, wherefore I have since applied myself to this difficult & important business with diligence.

During the late session of Parl<sup>t</sup> I used my best endeavours to obtain a repeal of the grievous duty imposed on the teas you import, of which it may not be amiss to mention these particulars. An intelligent, worthy friend, who is largely concern'd in the tea trade, & well acquainted with it consider'd in all its relations, having in several conferences convinced me that this duty was prejudicial to the India C° & the kingdom, I pray'd the favour of him to draw up a state of the whole, to be laid before L<sup>d</sup> Dartm<sup>o</sup>: he proceeded to do it without delay, and while employ'd upon it a gentleman who formerly sat in Parl<sup>t</sup> came out of the city, & desired him to draw up a state of the tea trade, to be laid before L<sup>d</sup> North, to whom he answ<sup>d</sup> that he was then busied in making the state de-

sired to be given to Lord Dartm<sup>o</sup>, and wou'd give him a copy when completed; this state, a copy whereof you have enclosed, I deliv<sup>d</sup> to his Lordship; and, in order to encline his Maj<sup>ty</sup> & his min<sup>rs</sup> to favour the desired repeal, accompanied it with the following extract from the writings of a great min<sup>r</sup> to the late French king: "Let your Maj<sup>ty</sup> call to mind what pass'd at the time the business of excess in drinking was before the [Council] board. I set myself against it with all my power, & if the thing had but depended upon me it had never been done. I knew really the injustice of it, altho' they [the farmers] had endeav<sup>d</sup> to give it all the colours one cou'd possibly imagine, and so it made such a noise in the consequence that your Maj<sup>ty</sup> tho<sup>t</sup> it convenient to revoke that new tax." My hopes of success were not inconsiderable for some time, but at length they fail'd, for which I know no reason, save that, according to my information, it was tho<sup>t</sup> fit to continue this tax as a badge of sovereinty over you.

Some time past Dr Franklin inform'd me one Califf was come over to secure to the grantees the twelve eastern townships & had applied to him for that purpose, and that he wou'd bring him to me, adding that he understood it was equal to the parties concern'd whether they were continued under the governm<sup>t</sup> of the Province or not; whereupon I observed to him it was our duty to take care of the right & interest of the Province, to which he readily assented. Not long after, calling one morning at the Doctor's, there I saw Mr Califf, and in the course of my enquiry into the state of these townships, & who were the persons concern'd in the mangem<sup>t</sup> of this affair, among others, to my surprise, he named S<sup>r</sup> Fra<sup>s</sup> Bernard; whereupon I directly said I wou'd have nothing to do with S<sup>r</sup> Francis, and after giving back his papers left him, without seeing him any more til some time after at L<sup>d</sup> Dartm<sup>o</sup>'s levy, where he appear'd shy of me. Young M<sup>r</sup> Lane attended at the same time upon this business, as his Lordship

afterwards told me. He had formerly applied, but now said nothing to me about it. In a conference had the same morning between his Lordship, M<sup>r</sup> Pownall & myself, respecting the eastern part of the Province, I was very frankly told that D<sup>r</sup> Califf, so M<sup>r</sup> Pownall call'd him, wanted to obtain a distinct government there. To explain this conference, you are sensible that in the late reign this eastern country was seized into the King's hands, other possessions being deem'd intrus<sup>ns</sup> upon the rights of the Crown, and held until judg<sup>t</sup> was given by her late Maj<sup>ty</sup>, as guard<sup>n</sup> of the kingdom, in Council, in favour of the claimants in point of soil & jurisdic<sup>n</sup> pursuant to the report of two late eminent Chancellors when Attor<sup>y</sup> & Solic<sup>r</sup> Gen<sup>l</sup>. This judg<sup>t</sup> it was presumed was secure to the Province and others for the future their respective rights. Nevertheless, by my letter to the Gen<sup>l</sup> Court of the 10<sup>th</sup> June, 1762, I gave them, you are sensible, a partic<sup>r</sup> acco<sup>t</sup> of the claim made on behalf of the Crown to the country lying between the rivers Penobscot & S<sup>t</sup> Croix, with various matters respecting it & the right of the Prov<sup>ce</sup>. The measures I took caused, as I understood, a suspens<sup>n</sup> of the intended proceedings for reducing the claim of the Crown into possession. Other proceedings since had respecting this part of the Province you well understand; wherefore coming to the pres<sup>t</sup> occas<sup>n</sup>, the several applica<sup>s</sup> lately made respect<sup>g</sup> this part of the country having raised fresh attention in administra<sup>n</sup> & revived their sense of the claim of the Crown, in order to quiet the same & bring this embar<sup>d</sup> import<sup>t</sup> business to the best settlem<sup>t</sup> practicable for all parties, I communicated to L<sup>d</sup> Dartm<sup>o</sup> the proposal contain'd in my letter to the Council of the 18<sup>th</sup> of Oct<sup>r</sup>, 1771, of which I made such an extract for his Lords<sup>p</sup>s use as was suffic<sup>t</sup> to give him a clear idea of it, and some consid<sup>ble</sup> time having elapsed before this conference, which took place on the last day of his Lords<sup>p</sup>s seeing comp<sup>y</sup> upon business before the usual recess, and he

having communicated the proposal to Mr Pownall, who is well acquainted with all prior proceedings relative to the country in quest<sup>n</sup>, he began by saying that the proposal was the most equal & complete he ever saw, save its being liable to this great objec<sup>n</sup> that the opinion of the Attor. & Sol<sup>r</sup> Gen<sup>l</sup>, which influenced the judgem<sup>t</sup> given by the Queen in favour of the Prov<sup>ee</sup>, was founded upon such an error in point of fact as vitiated their opin<sup>n</sup>, the *jus post-liminii* whereon it was grounded being prevented from taking place with respect to the country lying betw<sup>n</sup> Penobscot & St Croix in favour of the Prov<sup>ee</sup> when their present charter was granted, because the Fr. king, he said, was then certainly in poss<sup>n</sup> of that country by virtue of the cess<sup>a</sup> made by the treaty of Breda, so that the Prov<sup>ee</sup> hath no better right to it than they have to N. Scotia. To this I made such answ<sup>r</sup> as the remembr<sup>ee</sup> of my former examina<sup>s</sup> into the sev<sup>l</sup> changes of domin<sup>n</sup> to which the country hath been subjected & into the nat<sup>re</sup> of the right whereby the Crown lands in America are held, with my sense of the opera<sup>ns</sup> of public law & right upon the whole matter, dictated. His Lords<sup>p</sup> appear'd to me rather satisf<sup>d</sup> with the answ<sup>r</sup>, and Mr Pownall continuing the object<sup>n</sup> no farther, we proceeded to the consid<sup>n</sup> of the proposal, wherein his Lords<sup>p</sup> from first to last shew'd great candour, and among other things observed that by embracing it the Gen<sup>l</sup> Court wou'd have it in their power to do justice by their new & proper grants made at their discret<sup>n</sup> to the settlers of the twelve townships, who at pres<sup>t</sup> have no legal title, and so in like manner the other unappropriated lands may be granted freely by the Gen<sup>l</sup> Court, saving such proper mast lands as shou'd be set apart for the use of the Crown, for which purpose it was observed that proper surveyors shou'd be appointed by the Crown & the Prov<sup>ee</sup>, and his Lords<sup>p</sup> seem'd pleased with the expecta<sup>n</sup> that the Gen<sup>l</sup> Court wou'd from time to time give their assistance for securing from inroads &

trespasses the lands thus set apart for national service. According to an account of the distance of each harbour & river from Boston to Louisbourg, which I brought with me, in the year 1745, the extent of the seacoast from Penobscot to S<sup>t</sup> Croix amounts to 49 leagues ; and altho' in the course of this conference there was no express mention made of waving the claim of the Crown to this country, yet his Lord<sup>s</sup>p having authorised me to declare to the Gen<sup>l</sup> Court his approba<sup>n</sup> of my proposal for the settlem<sup>t</sup> of it, in case they shall think fit to embrace it, the subsequent negotiation & conclus<sup>n</sup> of the matter will, I conceive, clearly amount to a waiver of this claim & secure to the Province the future jurisdic<sup>n</sup> over the whole country, together with their right to such land as shall not belong to the Crown or partic<sup>r</sup> persons, with the entire avoidance of future contests respecting the right of jurisdic<sup>n</sup> & soil, the progress whereof, if they take place, will be attended with difficulty and the event with danger, so that if the pres<sup>t</sup> opportunity of quieting this interesting business sho<sup>d</sup> not be embraced, the Prov<sup>ee</sup>, all things consid<sup>d</sup>, may probably in my opin<sup>n</sup> never meet with another so favourable.

Upon his Lordsh<sup>p</sup>s entire agree<sup>t</sup> to the proposal he made mention of writing to the Gov<sup>r</sup> to signify the same, but presently after gave me author<sup>ty</sup> to declare his approba<sup>n</sup> of it, to be laid before the Gen<sup>l</sup> Court ; and since writing the above, in the course of a conference with M<sup>r</sup> Pownall, the right to this part of the Province being rather casually mention'd, he observed that the opin<sup>n</sup> of the Attor<sup>y</sup> & Sol<sup>r</sup> Gen<sup>l</sup> whereon the judgm<sup>t</sup> of the Queen was founded was condition<sup>l</sup> and proposed our going together directly to examine the proceedings remaining in the office, in order to clear up this point, but I avoided it, observing that Q. Eliza<sup>th</sup> held all the eastern country to the time of her death, that K. James had no mañer of right to grant under the great seal of the kingdom of Scotl<sup>d</sup> any lands that he held in right of the Crown of Engl<sup>d</sup>, and that K.

Cha<sup>s</sup> 2<sup>d</sup> had no right by the treaty of Breda to cede to the French king any lands held in right of his Crown, because by public law & right all such lands are to descend with the Crown; but, presently putting an end to all enquiries of this nature, we both agreed that th' acceptance & completion of the present proposal wou'd entirely quiet the country for the common benefit of all parties concern'd.

As to your civil rights & liberties, which in their nat<sup>re</sup> & value so far exceed all other possess<sup>ns</sup>, my hopes of being able to say something agreeable to you are frustrated, after hav<sup>g</sup> discontin<sup>d</sup> writing this letter some time for that purpose. When the letter of the two Houses to L<sup>d</sup> Dartm<sup>o</sup> came to hand, his Lords<sup>p</sup> being gone to his seat in the country, 120 miles dist<sup>t</sup>, with intent to remain there during the usual recess from business, we directly transmitted it to his Lords<sup>p</sup>, who did not think fit to come to town & attend the Cabinet councils held in consequence of the advices rec<sup>d</sup> by the same conveyance; since which having had free conversa<sup>n</sup> touch<sup>g</sup> the proper gov<sup>t</sup> of the Colon<sup>s</sup> with an intelligent gentleman, likely enough to know the sense of adminis<sup>n</sup>, he declared in the strongest terms the author<sup>ty</sup> of Parliam<sup>t</sup> to be unlimited & unquestionable. His utter exclus<sup>d</sup> of all examina<sup>n</sup> in this case surprised me; however, I deliberately oppos'd this doctrine until he waved the quest<sup>p</sup> by proceeding to other matter, & I have not elsewhere met with any cert<sup>n</sup> mark of the approval of that temperam<sup>t</sup> which is so desirable on your behalf, but rather the reverse of late. For my own part I confess that, upon the most careful exercise of a free judgm<sup>t</sup>, it appears to me that nothing can be duly determ<sup>a</sup> without being duly consid<sup>d</sup>, & that nothing can be duly consid<sup>d</sup> without hearing the parties concern'd,—that unlimited author<sup>ty</sup> doth not appert<sup>n</sup> to any of the rulers upon earth, altho' absolute power oppresseth so many parts of it,—that the law of nat<sup>re</sup> being the law of God is immutable & every law of man repugn<sup>t</sup> to nat<sup>l</sup>

justice void, — that the late system of taxa<sup>n</sup> & jurisprudence is incompatible with your just rights, — that the true perman<sup>t</sup> interest of the king, kingd<sup>m</sup>, & Colon<sup>s</sup> is inseparable, & their cord<sup>l</sup> union, by injur<sup>s</sup> & improvid<sup>t</sup> meas<sup>res</sup> so grievously wounded of late, requisite for their mutual honour, safety, & welfare ; wherefore the great quest<sup>n</sup> now is what farther can be done to check the prevail<sup>g</sup> sense of unlimited authorty, which seems to have gain'd strength upon the applicat<sup>ns</sup> lately made, as well as the other meas<sup>res</sup> taken to restrain it. In your late contest with the Gov<sup>r</sup>, who set up a supremacy, with invit<sup>a</sup> to the two Houses to attempt its overthrow, it is to be observed that in the nat<sup>re</sup> of the case the scales cou'd not be equally held, because concess<sup>ns</sup> made by the Gen<sup>l</sup> Assembl<sup>y</sup> wou'd be understood to bind the Prov<sup>ee</sup>, whereas his concess<sup>ns</sup> made on your convincing him of any error wou'd rest in his pers<sup>n</sup>, & in no wise bind the Crown ; and as to the applica<sup>ns</sup> made by the House of Repres<sup>res</sup> to the King, having never yet seen them, nor had any knowledge at all of them til Dr Franklin acquainted me with them & the proceed<sup>gs</sup> upon them, a few days after our joint transmiss<sup>n</sup> of the letter of the two Houses to L<sup>d</sup> Dartm<sup>o</sup>, a copy of whose letter to him, dated the 2<sup>d</sup> of June, giv<sup>g</sup> acco<sup>t</sup> of his Lords<sup>p's</sup> present<sup>g</sup> two petit<sup>ns</sup> of the House to his Maj<sup>ty</sup>, with his royl ans<sup>r</sup> to the same, the Dr soon after sent me, all I can say is that this answ<sup>r</sup> hath very much encreased my concern for the public welfare. After frequently revolving the subj<sup>t</sup> matter of this unhappy controversy in my own mind, & consider<sup>g</sup> it in all its parts, relations & future effects, as far as I was able, some time past I resolved to write & publish an authentic state of the establish<sup>t</sup> & civil rights of the Eng<sup>h</sup> Colon<sup>s</sup> planted in America, intend<sup>g</sup> to place those rights on the most solid basis, and in so clear a light that no impart<sup>l</sup> man can reject them ; or rather to shew that the acta regia of the several princes under whose auth<sup>ty</sup> their

acquests of Amer<sup>n</sup> domin<sup>n</sup> were made by the meritor<sup>s</sup> adventurers & settlers had originally so placed them. You are so well acquainted with the begining & progress of this controversy that 'tis needless to say it doth not subsist between the inhabit<sup>s</sup> of this kingdom & th' inhabit<sup>s</sup> of the Colonies, whose rights & inter<sup>t</sup> are really in substance the same, altho' their local separa<sup>n</sup>, with the conseqt differ<sup>ce</sup> in several parts of th' exterr form of gov<sup>t</sup>, doth in certain cases occas<sup>n</sup> differ<sup>t</sup> modes of their enjoym<sup>t</sup>, but th' inhabit<sup>ts</sup> of this kingdom have not such a deep sense of their coñect<sup>n</sup> with you in point of right & inter<sup>t</sup> as the welfare of the whole doth in my opin<sup>n</sup> require ; and therefore it would be benefic<sup>l</sup> to encrease if possible their sollicitude on your behalf. Error being infin<sup>te</sup>, altho' an incompetent min<sup>r</sup> began this controversy without the least cause or possible public benefit, var<sup>s</sup> augmenta<sup>ns</sup>, the mischiefs & dangers attend<sup>t</sup> upon it are spread so far & wide, have taken so deep root, & your adversar<sup>s</sup> are so numer<sup>s</sup>, intellig<sup>t</sup> & powerful, that for a consider<sup>ble</sup> time I was much at a loss to discern the best method of making an efficaci<sup>s</sup> defence of your rights, & at length form'd a plan so large that I know not when I shall accomplish it, nor whether I shall be able to do it at all to my own satisfac<sup>n</sup>: however, after having nearly completed the proper prepar<sup>ry</sup> collect<sup>ns</sup> sever<sup>l</sup> months past, I began its execu<sup>n</sup>, & have since given as close applica<sup>n</sup> to it as avoca<sup>ns</sup> unavoidable wou'd permit, and purpose to proceed upon the old maxim, *nil desperandum*, when the coñon-wealth is in danger.

M<sup>r</sup> Pownall lately asked me on a sudden who was agent for the Massa<sup>ts</sup> Province, because, he said, the partition-line between that & the Province of New York being adjusted & settled by their mutual agreement had been transmited in order to obtain the royal confirmation of it, but the appearance of the Massachu<sup>ts</sup> Province by their proper agent was wanted for that purpose ; to which

I answer'd that I knew nothing of this business, but was agent for the Council and Dr Franklin for the House of Repres<sup>ves</sup>, there being no agent chosen & appointed for the Province, whose inhabitants being by Charter incorporated, he said, must of necessity appear by their agent deputed under the corporation or public seal, as other corporations always do, the seal being of course to be affixed to the appointment upon the agent's being chosen by the Gen<sup>l</sup> Court ; and from the whole that hath been said at different times, respecting the justice & necessity of the Province's having the benefit of the free choice of their agent in order to the defence of their rights & interests, I apprehend the choice which the two Houses shall make will not be frustrated, but on the contrary receive its proper completion. If that shou'd ever be unjustly refused the Province wou'd in my opinion have good cause of complaint, and then they must of necessity appear in the best manner they can : in the mean time my indispensable duty to the Province obliges me to declare that it is impossible under the present state of the agency to conduct its affairs in any authoritative, regular & beneficial manner. In case the Gen<sup>l</sup> Court shall approve of the proposal respecting the eastern country, it will be impossible to negotiate that affair on behalf of the Province otherwise than by their agent duly authorised, and I know not how soon there may be other occasions for the appearance of an agent with admissible authority. I am, Gentlemen, with the greatest respect for you & the other members of the Council,

Your most obedient and most humble servant.

W. BOLLAN.

GENTLEMEN OF THE COMMITTEE OF COUNCIL APPOINTED TO CORRESPOND WITH THEIR AGENT.

FREDERICK VANE TO JOHN TEMPLE.

SELABY, NEAR DARLINGTON, Sept<sup>r</sup> 11<sup>th</sup>, 1773.

DEAR SIR,— Ever since I received the pleasure of yours I have been very indifferent in my health. 'Tis not for man to complain. I only mention it as an excuse for not returning you my sincere thanks. It certainly appeared strange to me that Pownal shoud be thought of as a proper person to conciliate matters between the Colony of New England & this country. All the papers woud have it so. But when I was told that he himself shoud say government were sollicitous to have him undertake the arduous task, I always believe a gentleman will not dare to tell a falsehood, and that it was so. My sentiments are well known to you, but I can have little expectation of L<sup>d</sup> Dartmouth's casting an eye upon me. Men in such situations expect sollicitation. It is not that I feel any nonsensical pride which prevents me offering my services where they can be of any use, for to be sure Virginia is the most desirable on every account. But I have a delicacy with respect to my family, which I hinted to you before, & not easy to be expressed. Does Parl<sup>t</sup> meet in Nov<sup>r</sup> or not? Is it the East Indies or the West or both which will occasion the summons? Are your Governors in America to come over or not? If you can with propriety give me a sketch of your thoughts about it I shoud be glad to hear from you, & take no manner of notice to a soul about it. If you have the smallest objection, pray say not a word about them. I shall be glad to hear M<sup>rs</sup> Temple & my little favorite is well. M<sup>rs</sup> Vane is perfectly so. My confinement has not been agreeable to her; however, I hope to be abroad in a few days, & do think of leaving this country sooner than I once intended, whether for Bath, & so see our friend Post, or for town I am not yet resolved upon. Wet

weather just came in the midst of our harvest. But such a summer I never remember. I shoud have not been ashamed of shewing you our northern country. Trecothick is well, I hear, & his house by this day cover'd in. S<sup>r</sup> W<sup>m</sup>\* writes to me in spirits, talks of the south ; the scheme for Lancaster was defeated for the present. Possibly our young man may stand fairer at the gen<sup>l</sup> election, which 'tis now sayd will be in the spring. Early in life I was dipped in contest, which has made me detest the business ; therefore I shoud never encourage it. M<sup>rs</sup> Vane is gone out, or woud, I am sure, desire her compt<sup>s</sup> with mine to M<sup>rs</sup> Temple. I am, very sincerely,

Y<sup>r</sup> friend & humble serv<sup>t</sup>.

FRED<sup>E</sup> VANE.

WILLIAM BOLLAN TO JAMES BOWDOIN.

COVENT GARDEN, Septembr 29<sup>th</sup>, 1773.

SIR,— I take the liberty to inclose & commit to your care my letter to the Committee of Council appointed for correspondence, whose names have not been mentioned to me.

Upon considering the papers transmited, which contain the particulars of the last contest between the Governor & the two Houses, it appear'd to me that the Council had assumed the true & proper principle of defence, and in their conduct observed the wise maxim of proceeding *fortiter in re et suaviter in modo*, in consequence whereof your modesty was approved by administration, altho' the grounds of your opposing unlimited authority were not ; and the reasoning of the House of Repres<sup>ves</sup> being more displeasing, an inclination to measures which might in their progress nearly affect your Charter seem'd at first to arise on a sudden, but accompanied rather with concern than asperity, and in a little time the thoughts of

\* Sir William Meredith, Bart., Vane's brother-in-law. — EDS.

laying the affair before Parliam<sup>t</sup> then siting were waved, and instead of proceeding to th' imediate use of any important measures, their suspension in order to further consideration appear'd to take place, with great reserve since. Unlimited authority is the great fort which they appear determined to defend; and as that comprises a power to take money out of your pockets at the discretion of others, to be applied to purposes you do not approve, however mild the intention of the present ministers may be in their use of this power, you are sensible it is capable of such exercise in future as will subject you to pay dear for your own shackles; wherefore the existence of this boundless authority is the great question.

In this question all the King's American subjects & their posterity being imediately concern'd, and consequentially all the British subjects with their posterity, too great care & wisdom, patience & perseverance with propriety cannot be exercised, especially considering with whom you have to contend, whose example in point of reseve & preparation is, in my poor opinion, worthy of your imitation. Here, you are sensible, your grievances originated, and here, if possible, their removal is to be obtain'd. Many good things have been written on your side of the water respecting your rights, injuries & dangers, tending to excite the due sense of a coñon cause; but the proper united defence of the Colonies here against their adversaries, so far as I know of the matter, hath never been attempted during this illustrious controversy. *Juncta juvant*, and when vested with ample authority I have gone in to the Lords of the Treasury at the head of seven or eight agents of so many colonies, but now they seem a rope of sand. As to your own conduct in this material part of your defence I had much rather you shou'd take a review of it than I shou'd state it, or the observations of your best friends upon it, yet cannot forbear saying it is impossible for me to approve of it, with respect to the

Province or myself, and that in my poor opinion you undervalue either the best defence of your rights here or the learning & labours requisite to oppose the opinions & resolutions of all the Crown lawyers, the twelve Judges, the King's ministers, the two Houses of Parliament, & his Majesty, and to prevent if possible the establishment of unlimited authority, which, according to my plain sense of it would render the future possession of all your rights precarious ; but this strange contest is now brought to such a pass that I desire entirely to wave every consideration that doth not relate to the best preparation & actual defence of your important interests ; and for my own part am determined, whether well or ill paid, or not paid at all, to exert my utmost abilities to secure your rights & liberties as worthy members of a free state.

Prudence being, you are sensible, an essential part of sound policy, I pray that publication may not take place touching any thing you may think fit to commit to my care, as it tends to prejudice proper application or to assist your adversaries in their preparations against you, or both.

Be pleased to pardon my troubling you with what precedes, which I thought more proper for a private letter, & your subsequent communication, than for insertion in my letter to the Hon<sup>ble</sup> the Committee, as I did not know the passages to which that was liable. I am, with great respect, Sir,

Your most obedient, humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> JAMES BOWDOIN, ESQ<sup>R</sup>.

#### PETITION OF RICHARD CLARKE AND OTHERS.

TO HIS EXCELLENCY THE GOVERNOR AND THE HONORABLE HIS MAJESTY'S COUNCIL.

THE petition of Richard Clarke and Sons, of Benjamin Faneuil, and Thomas and Elisha Hutchinson.

That the Hon<sup>ble</sup> East India Company in London have shipt a considerable quantity of tea for the port of Boston, and, as your petitioners are made to understand, will be consigned to their address for sale.

That some of your petitioners have in consequence of this been cruelly insulted in their persons and property. That they have had insulting and incendiary letters left and thrown into their houses in the night. That they have been repeatedly attacked by a large body of men. That one of the houses of your petitioners was assaulted in the night by a tumultuous and riotous assembly of people, and violent attempts made to force the house for the space of two hours, that have greatly damaged the same.

That they are threatned in their persons and property, and further with the destruction of the said tea on its arrival into port. And that the resolves and proceedings of the town at their meetings on the 5 & 18 instant are intended to be expressive of the general sense of the town, to which we beg leave to refer your Excellency and the Hon<sup>ble</sup> Board.

Your petitioners therefore beg leave to resign themselves and the property committed to their care to your Excellency and Honors as the guardians and protectors of the people, humbly praying that measures may be directed to for the landing and securing the tea until your petitioners can be at liberty openly and safely to dispose of the same, or until they can receive directions from their constituents.

RICHARD CLARKE & SONS.

BENJ<sup>A</sup> FANEUIL, JUN.

THO<sup>S</sup> & ELISHA HUTCHINSON.

A true copy.

Attest.

## PROCEEDINGS OF THE COUNCIL OF MASSACHUSETTS.

IN Council, Nov<sup>r</sup> 27, 1773. The petition of Richard Clarke, Esq<sup>r</sup>, & others (to whom the East India Company have consigned a quantity of their tea) being referred to this day, the same was taken up, and after long debates M<sup>r</sup> Danforth, M<sup>r</sup> Bowdoin, M<sup>r</sup> Dexter, and M<sup>r</sup> Winthrop were appointed a Com<sup>tee</sup> thereon, who reported, and the report, after debate, was refer'd for further consideration to Monday next, ten o'clock, A. M.

Monday, November 29<sup>th</sup>, 1773. The said report was again considered, and after some amendments unanimously agreed to. It is as follows:

Previous to the consideration of the petition before the Board, they would make a few observations occasioned by the subject of it. The situation of things between Great Britain and the Colonies has been for some years past very unhappy. Parliament on the one hand has been taxing the Colonies. And they on the other have been petitioning and remonstrating against it, apprehending they have constitutionally an exclusive right of taxing themselves, and that without such a right their condition would be but little better than slavery. Possessed of these sentiments every new measure of Parliament tending to establish and confirm a tax on them renews and increases their distress; and it is particularly increased by the act lately made, empowering the East India Company to ship their tea to America. This act in a commercial view they think introductory of monopolies, and tending to bring on them the extensive evils thence arising. But their great objection to it is from its being manifestly intended (thô that intention is not expressed therein) more effectually to secure the payment of the duty on tea, laid by an act passed in the 7<sup>th</sup> year of his present Majesty intitled "an Act for granting certain duties in the British

Colonies and Plantations in America," which act in its operation deprives the Colonists of the right abovementioned (the exclusive right of taxing themselves) which they hold to be so essential an one that it cannot be taken away or given up without their being degraded or degrading themselves below the character of men. It not only deprives them of that right, but enacts that the monies arising from the duties granted by it may be applied "as his Majesty or his successors shall think proper or necessary for defreying the charges of the administration of justice and the support of the civil government within all or any of the said Colonies or Plantations."

This clause of the act has already operated in some of the Colonies, and in this Colony in particular, with regard to the support of civil government, and thereby has operated in diminution of its charter rights to the great grief of the good people of it, who have been and still are greatly alarmed by repeated reports that it is to have a further operation with respect to the defreying the charge of the administration of justice, which would not only be a further diminution of those rights, but tend in all constitutional questions, and in many other cases of importance, to bias the Judges against the subject. They humbly rely on the justice and goodness of his Majesty for the restitution and preservation of those rights.

This short state of facts the Board thought necessary to be given, to shew the cause of the present great uneasiness, which is not confined to this neighbourhood, but is general and extensive. The people think their exclusive right of taxing themselves by their representatives infringed and violated by the act abovementioned; that the new act empowering the East India Company to import their tea into America confirms that violation, and is a new effort not only more effectually to secure the payment of the tea duty, but lay a foundation for the enhancing it; and in a like way, if this should succeed, to lay other taxes

on America ; that it is in its attendents and consequences ruinous to the liberties and properties of themselves and their posterity ; that as their numerous petitions for relief have been rejected the said new act demonstrates an indisposition in Ministry that Parliament should grant them relief ; that this is the source of their distress, a distress that borders on despair ; and that they know not where to apply for relief.

These being the sentiments of the people it is become the indispensable duty of the Board to mention them, that the occasion of the late demands on M<sup>r</sup> Clark and others (the agents for the East India Company) and of the consequent disturbances might appear ; and we mention them not to justify those disturbances, the authors of which we have advised should be prosecuted, but to give a just idea of the rise of them.

On this occasion justice impells us to declare that the people of this town and Province, thô they have a high sense of liberty derived from the manners, the example, and the constitution of the mother country, have till y<sup>e</sup> late Parliamentary taxations of the Colonies been as free from disturbances as any people whatever.

This representation the Board thought necessary to be made prior to their taking notice of the petition of the agents above mentioned ; to the consideration of which they now proceed.

The petitioners "beg leave to resign themselves and the property committed to their care to his Excellency and the Board as guardians and protectors of the people, praying that measures may be directed to, for the landing and securing the tea, &c<sup>a</sup>." With regard to the personal protection of the petitioners, the Board have not been informed that they have applied for it to any of the Justices of the Peace, within whose department it is to take cognizance of the case of the petitioners, and of all other breaches of the peace, they being vested by law with all

the authority necessary for the protection of his Majesty's subjects. In the principal instance of abuse of which they complain the Board have already advised that the authors should be prosecuted according to law; and they do advise the same in the other instances mentioned in their petition.

With regard to the tea committed to the care of the petitioners, the Board have no authority to take either that or any other merchandize out of their care, and should they do it, or give any order or advice concerning it, and a loss insue they apprehend they should make themselves responsible for it. With respect to the prayer of the petition "that measures may be directed to, for the landing and securing the tea," the Board would observe on it that the duty on the tea becomes payable, and must be paid, or secured to be paid, on its being landed. And should they direct or advise to any measure for landing it, they would of course advise to a measure for procuring the payment of the duty, and therefore be advising to a measure inconsistent with the declared sentiment of both Houses in the last winter session of the General Court, which they apprehend to be altogether inexpedient and improper.

The Board, however, on this occasion assure your Excellency that as they have seen with regret some late disturbances, and have advised to the prosecuting the authors of them, so they will in all legal methods endeavour to the utmost of their power to prevent them in future.

Whereupon advised that his Excellency renew his orders to his Majesty's Justices of the Peace, Sherriffs, and other peace officers to exert themselves to the utmost for the security of his Majesty's subjects, the preservation of peace and good order, and for preventing all offences against the laws.

## JAMES BOWDOIN TO JOHN TEMPLE.

P. Scott.

BOSTON, Dec<sup>r</sup> 13, 1773.

SIR, — Your letter on Gcv<sup>r</sup> Wentworth's affair and the pamphlet on y<sup>e</sup> same subject have been through your brother co<sup>m</sup>unicated to him.

Lord Dartmouth's letter of w<sup>ch</sup> you gave y<sup>e</sup> substance was sent to y<sup>e</sup> Speaker of our Assembly. We are not able to understand upon what ground his Lordship builds his hopes that y<sup>e</sup> causes of discontent in America will be removed, and that y<sup>e</sup> old harmony will be soon restored; especially as y<sup>e</sup> act empowering y<sup>e</sup> East India Company to ship their teas to America (made but a little while before y<sup>e</sup> date of that letter) very clearly demonstrates a resolution, not meerly to continue but increase the causes of that discontent. It confirms, thô it does not mention, the act imposing the duty on tea, and should y<sup>e</sup> tea sent by the India Comp<sup>y</sup> be rec<sup>d</sup> will most extensively operate to increase the revenue complained of, and consequently operate in y<sup>e</sup> most effectual manner to defeat the hopes of his Lordship, — hopes which American pensioners and all other dependents here on an American revenue have been and are doing their utmost to frustrate. Hence, however glossed they may be, the representations that undoubtedly have been, and are now manufacturing at Castle W<sup>m</sup>, of the late proceedings of people here relative to the Tea Commissioners; and hence y<sup>e</sup> joy that appears among a few for this new subject of representation. The s<sup>d</sup> Com<sup>rs</sup> with the Com<sup>rs</sup> of the Customs have thought proper to retire to the Castle. These last, who, I am informed, have not held a Board in Boston since y<sup>e</sup> 1<sup>st</sup> instant, seem to intend to act a third time the same farce they acted in June, 1768, and imediately after the massacre in March, 1770. They had then no reason at all for retir-

ing, and, if it be possible, less now. But the object of all these manœuvres is the same. They have such a predilection for troops, and appear so unfriendly to the peace and tranquility of this Province, that, judging by their former conduct, it seems as if nothing but the ruin or enslaving of it will satisfy them. Should troops be sent hither, which some few wish and expect, the general apprehension, already too well grounded, will increase to a moral certainty, that the people of America are destined to vassallage and servitude; but as they have found all their petitions disregarded, and no relief to be hoped in that way, their only reliance must be on that Providence w<sup>ch</sup> superintends and governs in the societies of men.

The newspapers will inform you what uneasiness the mulish obstinacy of the Tea Commissioners has occasioned. They, like y<sup>e</sup> father of two of them, (who has y<sup>e</sup> credit of dictating all their measures, and holds frequent consultations at y<sup>e</sup> Castle) doubtless expect to be well pensioned for being persecuted for righteousness sake. If they do not, their conduct is unaccountable, for when they saw a determination in y<sup>e</sup> people that the tea sh<sup>d</sup> not be landed, and that it was impossible for them to execute their co<sup>m</sup>mission, they might have made a virtue of necessity, and declared they would have nothing to do with y<sup>e</sup> tea any further than to send it back to the India Company. This they were desired to do, and so far it was their duty to interpose to prevent a greater loss to the Company, who in that case must have approved their conduct, clearly grounded on the Company's interest, and at y<sup>e</sup> same time they could be no object of the people's resentment. But their conduct has been the reverse, which has brôt on them y<sup>e</sup> public odium in a greater degree than they probably expected, from which they have taken occasion to remove to the Castle, where they will have leisure and inclination to improve it to their best advantage. This conduct of theirs will scarcely be justified by

the India Company, especially as they and their advisers at the Castle are doing all in their power to prevent the tea being sent back, which prevention it is greatly to be feared will be the means of the destruction of it. But although the Tea Com<sup>rs</sup> may not be able to justify their conduct, it has been asked, how *y<sup>e</sup>* people can justify theirs? A full answer to this question involves in it all that has been said in favour of the rights of the Americans, among which rights it has been clearly proved that no tax on them can be legal or constitutional without their own consent. Hence they deduce an exemption from the duty on tea, which notwithstanding the refinements and distinctions that have been made, and whether paid in America or Britain, so long as the trade in that article is confined to Britain, is clearly a tax on them, which conceded to is enhanceable at pleasure, and may be extended to every other article of commerce. A greater power of taxing the Colonists so as to answer *y<sup>e</sup>* purpose of revenue cannot be easily conceived than the compelling them to take from Britain all the articles they want, and these at *y<sup>o</sup>* British merchants' price, and at the same time laying a duty on those articles,—a duty that has no limitation but the will of *y<sup>e</sup>* imposer and the inability of the imposse. Is it not an abuse of language to call the exercise of such a power government, and the subjection to it liberty? Such a power the Colonists have felt, and they have repeatedly petitioned and remonstrated against it without effect. The rejection of their petitions had made them think they are doomed to servitude, especially since the passing of the late act of Parliament authorizing the East India Company to send their tea to America, w<sup>ch</sup> has eradicated their hopes of seeing Lord Dartmouth's endeavours for the common good take effect; and which act they look on as equivalent to an explicit declaration that their petitions shall not be regarded. In such a situation they had a choice but of two things; to receive the tea

and infallibly be slaves; or reject it and stand a chance for freedom. They choose the latter. What the value of the chance is depends in part on the generosity, or rather the justice, of Great Britain, and can be best calculated by the political mathematicians on your side of the water. But whatever it is, and whatever may be the event, they deserve to be free, and will have this consolation that they are not slaves with their own consent.

I herewith send you the proceedings of Council on the petition of the Tea Commissioners. The Gov<sup>r</sup>, for what reason and by what right I do not know, has forbidden any copy of them to be delivered from the Sec<sup>ry's</sup> office for publication here; but I suppose you will think yrself at liberty to act your pleasure with y<sup>e</sup> copy enclosed. I hope my dear Betsy and her little boy are well and as chearful and gay as ever.

I am, respectfully yrs.

[Dec<sup>r</sup> 17. Scott's detention by weather gives me an opportunity to inform you of the fate of y<sup>e</sup> tea. Ever since y<sup>e</sup> arrival of y<sup>e</sup> first parcel of it about 3 weeks ago in Capt. Hall, the people of y<sup>e</sup> town and country round, being determined it should not be landed, have been endeavouring to induce the consignees to send it back, but to no purpose. And after y<sup>e</sup> Custom House had refused to grant any papers concerning it w<sup>ch</sup> y<sup>e</sup> necessity of y<sup>e</sup> case w<sup>d</sup> justify, and y<sup>t</sup> y<sup>e</sup> Gov<sup>r</sup> had refused a Castle-pass, and every means of its exportation prevented (to effect w<sup>ch</sup> exportation was y<sup>e</sup> end of y<sup>e</sup> many meetings of the people during that time), it was last evening destroyed; being about 350 chests on board three ships. The remainder on board Loring was a few days ago, with y<sup>e</sup> vessel, cast ashore on the back of Cape Cod in a storm.] [not sent.]

## THOMAS FLUCKER\* TO JOHN ERVING AND OTHERS.

BOSTON, Dec<sup>r</sup> 20<sup>th</sup>, 1773.

GENTLEMEN,— Your written request of this day for a copy of the Tea Consignees' petition and the proceedings of Council thereon, it would have given me great pleasure to comply with, as I am ever ready to do every thing that can be expected from me as a publick officer. But I must beg you to recollect that his Excellency the Governor declared in Council he could not consistent with his duty to the King consent to the publication thereof,— it being contrary to all practice & in the nature of the thing improper for the advice given by his Majesty's Council to his Governor to be made publick without his consent.

While I am under this injunction you will accept it as a sufficient reason for my not sending the papers you have requested, and believe that I am with the utmost respect, Gentlemen,

Your most obedient humble servant.

THO<sup>s</sup> FLUCKER.

THE HON<sup>BLE</sup> JOHN ERVING, W<sup>m</sup> BRATTLE, JA<sup>s</sup> BOWDOIN, & JA<sup>s</sup> PITTS,  
ESQUIRES.

## COMMITTEE OF THE COUNCIL TO WILLIAM BOLLAN.

BOSTON, December 20<sup>th</sup>, 1773.

SIR,— Your letters of the 1<sup>st</sup> and 29<sup>th</sup> of September are before us. We observe by the former that in a conversation with M<sup>r</sup> Pownall, Secretary to the Plantation Board and to Lord Dartmouth, he introduced a subject which we hoped would not have been again moved, viz., the

\* Thomas Flucker sat in the Council of Massachusetts from 1761 to 1769, succeeded Oliver as Secretary of the Province, was subsequently a Mandamus Councillor and a Loyalist refugee, dying in London in 1783. His first wife was a sister of James Bowdoin. For some further account of him, see Sabine's American Loyalists, vol. i. pp. 428, 429.—EDS.

extension to the Colonies of the Statute of Henry 8<sup>th</sup>, respecting the trial of foreign treasons. You say you cannot tell whether this was done by order of his superiors, but it seems not improbable that it was; they knowing the exceptionable nature and operation of the act lately made, empowering the East India Company to ship their teas to America, and expecting it would be vigorously opposed in the execution of it, were again for holding up *in terrorem* the aforesaid statute respecting treasons, and the opinion of the twelve Judges that it extended to the Colonies. Although the reasons contained in your petition to the House of Commons in 1769 against such extension were not then attended to, it might have been expected when passion and resentment grounded on misinformation had subsided they would have had some effect; and we hope they have had, notwithstanding what was mentioned by Mr Pownall on that subject. If it was mentioned by that gentleman from the expectation of opposition to the act aforesaid, he will not be disappointed, for there appears a very general opposition to it in all the Colonies from which any intelligences have been received concerning it.

The spirit of opposition was propagated hither from the Southern Colonies, who 'tis said are determined the tea shall not be landed; but unfortunately the tea shiped for this Colony arriving the first, the effects of the opposition have here first taken place. The newspapers enclosed will inform you of the proceedings of the people here relative to the Tea Consignees since the arrival of the tea, and what has passed between them. The people insisted that the tea should be sent back, and finding they could not influence the consignees to do it, who retired to the Castle, they obliged the owner of the tea-freight that first arrived to apply to the Custom House for a clearance or such papers as the necessity and unprecedency of the case would have justified, and also to the Governor for a

Castle pass ; but they were both refused. On this refusal being reported to the people, who in a very large body from town and country were assembled in and round the Old South meeting house, the assembly was dissolved. The same evening, viz., of the 16<sup>th</sup> instant, the tea on board three ships, consisting in the whole of about three hundred and fifty chests, was destroyed.

It is an act of justice due to the people to mention what they say in justification of themselves. They say their rights and liberties were at stake, that Parliament has no constitutional authority to tax them ; that since the first Parliamentary taxation they have by their representatives repeatedly petitioned and remonstrated against it ; that their petitions are disregarded ; that the act made at the last session of Parliament empowering the East India Company to ship their teas to America demonstrates that the Ministry do and intend to persevere in their taxation system ; that their submission to the said act would be the establishing and perpetuating that system, and rivetting eternal shackles on themselves and their posterity ; that they did all in their power to rid themselves of those shackles with the least detriment to the India Company ; that for this purpose they urged and repeatedly urged the consignees to send back the tea, but to no effect ; that when the consignees denied their assistance, they endeavoured by the owner of one of the tea ships to procure from the Custom House and from the Governour the necessary papers for exporting it ; that these being refused, and every block thrown in the way of sending it back, the end of their meeting, viz., the preservation of the tea could not be effected ; that these proceedings of theirs were no assumption of government, but flowed from the great law of nature, self-preservation ; and that, notwithstanding any representations to the contrary, they are faithful and loyal subjects of his Majesty, of which in the late wars they have given the highest evi-

dence by co-operating with his Majesty's British subjects in distressing and subduing his and the nation's enemies, and this, not by compulsion, not by taxation-acts of Parliament, but freely and so much beyond the proportion and ability of this Province, that Parliament by repeated grants refunded a part of the expence. How far this vindication of themselves will by administration be deemed a vindication, we do not know. But we beg the favour you will make such use of it for that purpose as you think proper, and that you will exert your abilities to prevent any harsh measures being taken against the town or Province in consequence of the proceedings of the people and the destruction of the tea. We herewith send you a copy of the petition from the consignees of the tea to the Governor and Council, with the doings of the Council thereon. The day after the tea was destroyed, the Governor summoned a Council; but the weather and illness prevented a quorum meeting. The same reasons prevented a meeting the following day. It is a misfortune that only three of the members live in town which makes it difficult to convene a Council. To make a quorum certain the Governor has called a Council at Cambridge to-morrow, the proceedings of which you will be informed of by this ship, if her departure, which is expected, does not prevent.

When the General Court meets your letters will be laid before the Council. The Court stands prorogued to the 12<sup>th</sup> of January, but whether they will then meet is uncertain. We are, with much esteem, in behalf of the Council, who at the last session of the General Court appointed us a Committee to correspond with you, S<sup>r</sup>,

Your most obed<sup>t</sup> hum<sup>ble</sup> serv<sup>ts</sup>.

JOHN ERVING.

W<sup>m</sup> BRATTLE.

JA<sup>s</sup> BOWDOIN.

JA<sup>s</sup> PITTS.

The petition & proceedings above mentioned cannot be sent at present.

BOSTON, Decr 24, 1773.

S<sup>r</sup>, — The foregoing in the original went <sup>to</sup> Scott. The petition and proceedings mentioned therein are now sent authenticated. A Council was held at Cambridge the 21<sup>st</sup> for advice relative to the destruction of the tea. The result is enclosed, as also is the vote of Council appointing the Committee to correspond with you.

The Governor with advice of Council has prorogued the General Court to the 26 of January, then to meet for business. We are respectfully,

S<sup>r</sup>, yrs.

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WILLIAM BOLLAN TO THE COUNCIL OF MASSACHUSETTS.

COVENT GARDEN, Feby 2<sup>d</sup>, 1774.

GENTLEMEN, — Upon receiving & considering the proceedings of the Council relative to Mr<sup>r</sup> Hutchins \* & Mr<sup>r</sup> Oliver's letters, transmitted by Mr<sup>r</sup> Royal with his letter of June 26<sup>th</sup>, pursuant to the direction of the Board, the better to guard against the difficulties that heretofore attended the Province papers of great importance, I lodged them in the Plantation Office, to be transmitted by a King's messenger to L<sup>d</sup> Dartmouth in the country at considerable distance, or to be laid before his Lordship in such manner as the dep<sup>ty</sup> secretary shou'd think fit. His Lordsh<sup>p</sup>'s stay in the country exceeded my expectation, & the Parliam<sup>t</sup> not meeting til the 13<sup>th</sup> ult<sup>mo</sup> the considera<sup>n</sup> of such business as wou'd admit of delay seem'd to be postponed. When the whole or part of the King's ministers took into consideration the complaint of the Council &

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\* A mistake of Mr. Bollan's amanuensis for "Hutchinson." The reference is to the letters to Whately sent over by Dr. Franklin, and printed by order of the House of Representatives. — EDS.

House of Repres<sup>ves</sup> against the letter-writers I am unable to say; but on Saturday the 8<sup>th</sup> of last month, when at dinner, to my surprise, I received a letter from Mr Cottrell, Clerk of the Council, therein saying he was directed to acquaint me that the Lords of the Committee of Council had appointed to meet in the Council chamber on the next Tuesday, when it was probable their Lordsh<sup>ps</sup> wou'd take into consideration the address of the House of Repres<sup>ves</sup> complaining of the conduct of the Governour & Lieut<sup>t</sup> Gov<sup>r</sup>, & that he was to desire I wou'd be pleased to attend the Committee at that time. Some hours after, Dr Franklin came & told me that in the begining of the ev'ning he received a letter requiring his attendance at the time appointed. *Juncta juvant*, & this sudden & precipitate proceeding to consider the complaint of the House of Repres<sup>ves</sup> singly was far from being agreeable. On Monday the Dr received notice that the Gov<sup>r</sup> & Lieut<sup>t</sup> Gov<sup>r</sup> wou'd be heard by counsel, who, I doubted not, wo<sup>d</sup> come ready to defend their clients with preparations made at leisure; and it was evidently impossible for the Dr to be in like manner prepared, wherefore this proceeding needs no comment. However we concerted as proper a plan of conduct as our strait'ned condition wou'd permit. My chief purpose was to get time whence great benefit might accrue various ways; and the adverse parties coming prepared to be heard by counsel served to promote this design. When Tuesday came we were call'd in, & advancing stopt when we came to the upper part of the room, whereupon the Dr was directed to the place where the parties & their counsel usually stand. Before the proceeding upon business, I stept up to the head of the table & observed to their Lordships that I had lodged in the Plantation Office, for proper consideration, authentic copies of the proceedings of the Council of the Province, containing their observa<sup>ns</sup> & resolves upon the letters in question, & in order to their defence against the unjust charges made upon

them, & the better understanding of the matter, humbly proposed the whole might be consider'd together ; to which the Lord Presid<sup>t</sup> answ<sup>d</sup> that they were proceeding under the King's order of reference & so rejected my motion.

D<sup>r</sup> Franklin is at present more at leizure than myself, and he will by this conveyance transmit a detail of the subsequent proceedings ; wherefore I shall only observe. that M<sup>r</sup> Mauduit, the agent for the Gov<sup>r</sup> & Lieut<sup>t</sup> Gov<sup>r</sup>, attending with their counsel M<sup>r</sup> Wedderburn, the Solic<sup>r</sup> Gen<sup>l</sup>, on the D<sup>r</sup>'s producing copies of the letters, altho' he had not, in my opinion, the least colour of right to examine the D<sup>r</sup> in any manner to the prejudice of himself or his constituents, he made repeated attempts for this purpose ; and when the copies, after enquiry made into their authenticity, were by consent admited to be given in evidence, he reserved this supposed right. Various altercations taking place touching the parties being heard by counsel, which, standing by the D<sup>r</sup>, I advised, with his geting time sufficient for their preparation, intending in the mean time to take my own measures in your behalf. M<sup>r</sup> Mauduit, according to his instructions, insisting on the benefit of counsel, this made it easy for the D<sup>r</sup> to obtain the same, and the 29<sup>th</sup> of last month was appointed for the hearing.

On the next day I waited on L<sup>d</sup> Dartmouth to obtain the King's reference of the Council's proceedings to the same Committee, & observed to his Lordship that they were going on to try the Province cause by halves. He seem'd well inclined to promote my motion, & on that day sev' night he told me that he had transmited the copies of the Council's proceedings to the Council office, so that I might take my measures accordingly ; in consequence whereof on the 26<sup>th</sup> I lodged my petition to the King in Council there, where none of the principal clerks then attending I urged the chief of those whom I found to lay my petition before the Lord Presid<sup>t</sup> as soon as might be.

On the 29<sup>th</sup> upon enquiring of Mr Cottrell whether my petition, with the Council's proceedings, had been refer'd by his Maj<sup>y</sup> to the Lords of the Committee, he answ<sup>d</sup> there had been no Council since lodgeing my petition. Afterwards attending the hearing before the Lords of the Com<sup>tee</sup> I had the grievous mortification to hear Mr Wedderburn, wandring from the proper question before their Lordships, pour forth such a torrent of virulent abuse on Dr Franklin as never before took place within the compass of my knowledge of judicial proceedings, his reproaches appearing to me incompatible with the principles of law, truth, justice, propriety, & humanity. In other respects I was at a loss to determine whether he was more lavish of his praises of your worthy Govern<sup>r</sup> or his censure of persons within his government.

Inclosed you have a copy of my petition ; and being determ<sup>d</sup>, if permitted, to support in person the conduct of the Council, with the other matters therein contain'd, to the utmost of my power, I am now labouring to make the best preparation for this purpose. I have been told by several persons, whose intelligence did not seem to have sufficient grounds, that I shou'd not be heard ; but speaking suddenly of my proposed reference to an intelligent person in office, he answ<sup>d</sup> that it was not the intent of a minister whom he named that the Council's proceedings shou'd be refer'd, adding that they had not pray'd for the removal of the Governour & Lieut<sup>t</sup> Govern<sup>r</sup>; nevertheless at the hearing it was observed by a learned member of the Board, who is not remarkable for his favour towards the Colonies, that the conclusion of the two complaints varied only in the different modes of expression, the conclusion of the Council's having been stated to shew the unity of desire. Whether the conductors of the whole affair from the begining intended to exclude the Council's proceedings from all open hearing & defence I am unable to say, but cannot prevail upon myself to believe that

after what has been said in my petition touching the right of defence it will now be refused. However I shall insist upon it to the utmost, if any occasion shall so require.

I am, with the greatest respect for you, gentlemen, & all the other members of the Council,

Your most obedient & most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> JOHN ERVING, W<sup>M</sup> BRATTLE, JAS<sup>S</sup> BOWDOIN, & JAS<sup>S</sup> PITTS,  
Esq<sup>RS</sup>.

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WILLIAM BOLLAN TO JAMES BOWDOIN.

COVENT GARDEN, Feby 19<sup>th</sup>, 1774.

SIR,— The report of the Lords of the Committee upon the address of the House of Representatives, with the royal approbation of it, sent by Dr Franklin, will shew you the temper of the present times, of whose violence, injuries, & improvidence I can foresee no end, altho' their chief conductors are thro' fear of consequences, I believe, unwilling to come to immediate extremities; but you are sensible that when passion & power unite in support of errors & wrongs their future operations are often unknown even to their authors; for my own part I continue my endeavours to check this torrent of folly & madness, going on day & night with my intended vindication of the rights of the Colonies as fast as these troublesome avocations & the various difficulties of the work will permit. Altho' the right of petition evidently includes the right of supporting it, the chief ministers seem unwilling to grant or refuse a hearing in maintenance of my own.

I am, with great esteem & regard, Sir,

Your most obedient humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> JAS<sup>S</sup> BOWDOIN, Esq<sup>R</sup>.

WILLIAM BOLLAN TO THE COUNCIL OF MASSACHUSETTS.

COVENT GARDEN, Feby 24<sup>th</sup>, 1774.

GENTLEMEN,— Yesterday attending L<sup>d</sup> Dartmouth I began to complain of your Governour's preventing the Council's having copies of their own proceedings relative to the tea bus'ness, to be sent to their agent, but after a few things were said hereupon, suddenly falling into a general conference respecting the interesting state of American affairs, I took the liberty of censuring freely the late system of their administration as grievous & dangerous to the kingdom as well as the Colonies; and after complaining of their being so long unheard & of the gross abuse sustain'd by an agent at the first hearing; with design to support my own petition I told his Lordship I had form'd an axiom which appear'd to me as evident as any in Euclide, differing only in this, that mine affects the heart as well as the head, viz<sup>t</sup>, that no question respecting the right of others can be duly determined without being duly consider'd, and that it cannot be duly consider'd without hearing the parties concern'd; to which he seem'd readily to assent, and in the course of what pass'd, wherein I observed that the right of petition to the King was founded in common law & confirm'd by the law of the revolution, & included the right of supporting it, expecting my hopes that I shou'd not be put to any new difficulties upon this occasion, he was explicit in his supposal that I shou'd be heard, and upon his enquiry when I had seen the L<sup>d</sup> President, I acquainted him with my attendances & how that matter at present stood; having indeed chosen to let it rest on my part, unless call'd upon, until such time as I had seen Lord Dartmouth, who, I took for granted, would acquaint him with my expectation. This conference after being continued a considerable time, was broken off by the dep<sup>ty</sup> secretary's coming in upon urgent business.

I am, with the greatest respect for you, Gentlemen, & all other members of the Council,

Your most obedient and most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> JOHN ERVING, W<sup>M</sup> BRATTLE, JA<sup>S</sup> BOWDOIN, & JA<sup>S</sup> PITTS, ESQ<sup>RS</sup>.

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WILLIAM BOLLAN TO JAMES BOWDOIN.

COVENT GARDEN, Feby 24<sup>th</sup>, 1774.

SIR,— Upon my geting up yesterday to come away when the sudden conclusion of the conference with L<sup>d</sup> Dartmouth took place, he likewise arose, and steping forward told me he was persuaded we both agreed at the bottom in our sentiments respecting American affairs. How this might turn out upon explication of particulars I know not. His natural disposition appears to be mild, just, & equal, but rather passive than active & spirited for maintaining his own opinion in Council, where, I very much fear, his influence is far less than his good intentions or the merits of your cause require ; and having not been long conversant in public affairs, I think he is somewhat liable to receive impressions unawares from the crafty designs of others, wherein your Governour seems to have notable talents. I observed to him some time past that every government immoderately exercised was tyranny, to which he freely assented.

Having this instant received a strange kind of written message from L<sup>d</sup> Gower's porter relative to my waiting on his Lordship, I must of necessity now conclude, in order to write to him & to complete my dispatches by the present ship, which I am told is now sailing.

I am, with the greatest regard, Sir, your most obedient humble servant.

W. BOLLAN.

P. S. Having upon receiving the message from L<sup>d</sup> Gower's servant written a letter to his Lordship, of which you have a copy underneath, in return he sent his compliments, & inform'd me that upon my sending to-morrow any time before twelve I shou'd have an answer. After concluding my letter to the Committee yesterday, my letter to you was then barely begun ; and when going on with it to-day, I received the message, which occasions the difference of dates.

Feby 25<sup>th</sup>.

THE HON<sup>BLE</sup> JAS<sup>S</sup> BOWDOIN, Esq<sup>R</sup>

(Copy)

Cov<sup>T</sup> GARDEN, Feby 25<sup>th</sup>, 1774.

MY LORD, — The subject's right of petition to the King, founded in common law and confirm'd by the law of the revolution, in my humble opinion, including the right of being heard to support it by proper proofs & reasons, I pray your Lordship will be pleased to consider at your leisure the propriety of my being heard in maintenance of my own, and that you will favour me with the honour of waiting upon you to receive your Lordship's commands, when most agreeable.

I have the honour, &c.

W. BOLLAN.

THE R<sup>T</sup> HON<sup>BLE</sup> EARL GOWER.

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ANSWER OF THE COUNCIL TO THE GOVERNOR'S MESSAGE.

THE Com<sup>tee</sup> appointed on the Governor's message to the Board of y<sup>e</sup> 3<sup>d</sup> instant, and the papers relative to the Chief Justice, communicated to y<sup>e</sup> Board by the House of Representatives, having duly considered them, are of opinion that y<sup>e</sup> following message be sent to his Excellency

on the subject of the said message and papers, which is humbly submitted. In the name of the Committee.

JAMES BOWDOIN.

March 5, 1774.

IN Council, March 7<sup>th</sup>, 1774. Ordered that James Bowdoin, Sam<sup>l</sup> Dexter, James Humphry, Artemas Ward, & John Winthrop, Esq<sup>rs</sup>, be a committee to wait on his Excellency the Governor with the following address.

THO<sup>s</sup> FLUCKER, SEC<sup>x</sup>.

MAY IT PLEASE YOUR EXCELLENCY,— Your message of the 3<sup>d</sup> instant to this Board relative to the Chief Justice of the Superior Court, and your several messages to the House of Representatives relative also to him (which with other papers the House by message have laid before the Board for their consideration) are on a subject of great importance. They contain declarations from your Excellency which we think do not comport with the spirit of the Charter, and tend to take away or lessen the jurisdiction of the Governor and Council, considered as a judiciary body or Court of Justice, and therefore it is incumbent on this Board in faithfulness to the Province, and in justice to themselves, to take notice of some of them.

Among those papers we find a copy of the remonstrance of the House addressed to your Excellency and the Council, and your Excellency's answer to it.\* By the former they pray for the removal of the Chief Justice from his office, and by the latter you declare that in duty to the King you are obliged to decline their request; and you are pleased repeatedly to decline it on their repeated applications.

But before your Excellency had proceeded thus far, was it not proper, as the remonstrance is addressed to the Council in conjunction with your Excellency, that it

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\* Both of these documents are printed in The Boston Evening-Post, Feb. 21, 1774.—EDS.

should have been communicated to them for their consideration of it? Is not your undertaking to determine solely on a matter that falls under the cognizance of the Governor and Council jointly, and is so addressed to them by y<sup>e</sup> House, an unkind and disrespectful treatment of the representative body of the Province, and an infringement on the rights of the Council? or rather, does it not annihilate the Council, considered either in their capacity of being advising and assisting to the Governor, or as a Court of Justice with or without the Governor? and being done under a profession of duty to the King, does it not tend to alienate the affections of his Majesty's subjects from him? Though such be the tendency, such an effect will not flow from it. If it had been communicated to the Board, they assure your Excellency they would not have done any thing concerning it inconsistent with their duty to the King, notwithstanding any indirect or constructive intimation to the contrary.

Your Excellency's apprehension that your taking any steps in this business would be counteracting his Majesty, and inconsistent with your duty to him, is founded on the facts mentioned in this clause in your first message to y<sup>e</sup> House, viz., "his Majesty having been pleased to direct warrants to be prepared for the payment of salaries to the Chief Justice and to the other Justices of the Superior Court, I received as Governor of the Province the earliest notice of this declaration of his Majesty's pleasure in order, as I conceive, that as far as might appertain to me I should conform thereto." This notice (that warrants were directed to be prepared), which appears to be intended only as an article of intelligence, your Excellency by this and your other messages on the same subject construes as an instruction obliging you not to do any thing to prevent the effect of those warrants or inconsistent with the intention of them. But what room is there for such a construction, or to suppose you were

under such an obligation, when the Justices themselves (at least four of them), whom this affair immediately respected, thought themselves not obliged to take his Majesty's grant, but at liberty to refuse it, and accordingly have refused it from July, 1772 (when their stipends were to commence) to the present time, and very lately in the fullest & most explicit manner. As in their refusal, which was a more effectual counteracting the intention of those warrants than any thing your Excellency could do, those gentlemen did not think they acted inconsistently with their duty to his Majesty, why should your Excellency think your laying before the Council the remonstrance of the House inconsistent with your duty to him? especially when your duty to the Province, with which your duty to the King cannot militate, required it.

But supposing the notice of those warrants implied an instruction, or had been accompanied with an instruction, that you should do nothing directly or indirectly inconsistent with the intention of them, why should it operate to prevent your Excellency's even hearing the remonstrance, and not operate to prevent your consenting to and signing the grants made by the Assembly, not only to those four Justices, but also to the Chief Justice, for their services during the same time for which those warrants were intended to pay them, and for which by virtue of one of those warrants the Chief Justice has in fact been paid? Does not this give room for the apprehension that your Excellency was not influenced solely by a sense of duty to the King in refusing to lay before the Board the remonstrance of the House?

The reasons why it was not laid before them seem to be given in that paragraph of your message to the House wherein you are pleased to tell them "that the Council, except when they are considered in their legislative capacity, or as a Court for the Probate of Wills and granting Administration, and for determining Causes of Marriage,

and Divorce, are by the constitution to be advising and assisting to the Governor, and do not make one Court or judiciary body with the Governor, but the Governor is considered as an integral part, and has authority from time to time at his discretion to assemble and call the Council together." We shall presently consider whether there be not other cases than those here mentioned by your Excellency in which the Council make one Court or judiciary body with the Governor, and in which the Governor is not to be considered as an integral part, but first beg leave to make a few observations on another part of the foregoing paragraph.

We agree with your Excellency that the Council by the constitution are to be advising and assisting to the Governor. The Governor also with them, or seven of them at the least, shall and may from time to time hold and keep a Council for the ordering and directing the affairs of the Province. But we humbly ask what advantages would be derived to the Province from this part of the constitution if the Governor, even in the most important cases, should refuse to hold a Council, wherein he might be advised and assisted, and wherein also the Governor with the Council jointly, according to the nature of the case, might take the needful measures for the ordering (that is, the well ordering) and directing the affairs of the Province? These clauses of the Charter were doubtless intended for some beneficial purpose. They were intended more effectually to secure to the Province a permanent good government, not subject to the will and caprice of a Governor, who left to act wholly independent of a Council might bring upon the Province the greatest mischiefs. Happy it was for the Province that the late Governor, Sir Francis Bernard, was not thus independent! But the benefits intended by the appointment of a Council would be defeated, if the Governor should not call them together when affairs of the greatest

importance to the Province demanded it ; and indeed this would frustrate the end of their appointment in every capacity in which they cannot act without him. To apply this to the subject of the remonstrance, and to all cases in which complaint is made to the Governor and Council against officers of their appointment : It appears to us that when complaint is thus made, and the Governor refuses or neglects to lay it before the Council, he thereby counteracts the spirit and intention of the Charter, which the honor and faith of the Crown are pledged to maintain, and gives just reason for uneasiness.

We shall pass over the intermediate messages, and come to the last message your Excellency sent to the House of Representatives ; on which it is necessary to make some observations.

We find by it the House had informed you that they had resolved to impeach Peter Oliver, Esq<sup>r</sup>, Chief Justice of the Superior Court, before the Governor and Council, of high crimes and misdemeanors ; that they had prepared articles of impeachment, and prayed your Excellency would be in the chair, that they might have an opportunity of laying them before the Governor and Council.

But your Excellency, after making divers observations concerning the manner of trial for crimes & misdemeanors, declined granting their request by declaring that “ whilst such process as the House have attempted to commence shall appear to you to be unconstitutional, you cannot shew any countenance to it.” It is with great reluctance the Board have entered into the consideration of a subject on which they are obliged to dissent from your Excellency. But a vindication of their right of jurisdiction as a Court makes it necessary. The complaint and process abovementioned are against an executive officer appointed by the Governor and Council. Complaints of this sort are no novelty. Many instances of them have taken place since your Excellency was first a member of

the General Court; and some of them while you were Speaker of the House of Representatives, preferred by the House. The Governor & Council have always been esteemed the proper judicature before whom officers appointed by them have been triable for crimes or misdemeanors, so far as that, when found guilty, judgment has been given against them, with respect to their continuance in office; and thus far your Excellency yourself has supported the jurisdiction of that Court, which, when your Excellency presided, gave judgment in a recent case for the removal of an executive officer appointed by the Governor and Council. If such cases, in order to such a judgment, are not cognizable by that Court, there is no other Court in the Province by which they are cognizable for the purpose of removal from office. Divers such judgments have been obtained in consequence of the complaint of private persons. If private persons have a right to complain of maladministration of officers, the representative body, who are the grand inquest for the Province, must *a fortiori* have that right. But your Excellency intimates that the process the House of Representatives have now attempted to commence is unconstitutional. The process they first attempted with regard to the Chief Justice was by remonstrance addressed to the Governor and Council, which your Excellency, without communicating it to the Council, thought proper to suppress. The process next attempted was by impeachment, which you think unconstitutional. If it be unconstitutional, it cannot be cognizable by the Court, the jurisdiction of which being affected by the denial of the constitutionality of impeachments, it becomes needful to examine the reasons of that denial. They are given in your Excellency's message, in which you are pleased to say, "that there are no species of crimes committed within this Province which are not cognizable by some established judicatory, and that the Governor & Council have no concurrent jurisdic-

tion with any judicatory in criminal cases, nor any authority to try and determine any species of high crimes and misdemeanors whatsoever," [except at least for the purpose of removal from office, as your Excellency might have added.] "That if you should assume a jurisdiction, and with the Council try offenders against the law without authority granted by the Charter, or by a law of the Province in pursuance of the Charter, you should make yourself liable to answer for it, and his Majesty's subjects would have just cause to complain of being deprived of a trial by jury, the general claim of Englishmen, except in those cases where the law may have made special provision to the contrary."

All this may be true, and yet we humbly apprehend it will not support the conclusion that a process by impeachment is unconstitutional.

The records and papers, containing the transactions of the General Court, having divers times greatly suffered by fire, it is very difficult to apply to them for precedents; nor is it necessary, for if they abounded with them, the first precedent would be, or ought to be, grounded on the reason and nature of the case, which still remains for a guide. But if precedents should be necessary, the most respectable authority (the British Parliament), as your Excellency well knows, furnishes a multitude of them. The Commons may exhibit an accusation to the Lords in Parliament by petition, complaint, or impeachment. The House of Representatives are in this Province what the House of Commons are in Britain. The constitutional rights of the latter (among which is indisputably the right of impeachment) belong to the former. Between the House of Lords and the Council of this Province there is not so near a resemblance; but with respect to legislation, and so far as the Council with or without the Governor are a judiciary body, there is a resemblance. It is now settled by a late determination of his Majesty that the

Governor and Council are a judiciary body, with regard to the probate of wills and granting administration, and for determining causes of marriage and divorce; and it is humbly apprehended they also are with regard to the removal of all officers from offices to which appointments are made by the Governor & Council. The impeachment made by the House of Representatives concludes with praying that "such proceedings, examinations, trials, and judgments may be had & ordered on the premises as may be agreeable to law and justice." This prayer is consistent with the jurisdiction of the Court, who have lawful power to remove from office, or confirm in it, as may be agreeable to law and justice, and therefore may go into such proceedings, examinations, and trials, and form such judgments in and upon the premises as are incidental and necessarily preparatory to a final decision. We humbly apprehend therefore your Excellency's reasoning does not extend to the present case; for even though the impeachment had been for such high crimes and misdemeanors as are made felony, it would not induce or involve in it an obligation on the Court to give an extra-judicial sentence. An executive officer appointed by the Governor and Council may be guilty of crimes, for which by law he is punishable in a variety of ways by the common law courts: if he be impeached for those crimes before the Governor and Council, it is for the purpose of his removal from office, which the other courts have no power to decree. As those courts cannot invade the jurisdiction of the Governor and Council, so the Governor and Council, in any other than their legislative capacity, it is presumed, will never attempt to interfere in the jurisdiction of the other courts. It might be supposed the Governor & Council could (and if they act at all, they must) trust themselves in the exercise of their jurisdictional powers; thô your Excellency in reference to that exercise seems unwilling to trust yourself in the

case of the present impeachment, notwithstanding you consider yourself as having a right of negative on the judgment of the Council. With regard to the Governor's right of negative on the Council, it operates in all acts of government, pursuant to the Charter, "in exclusion of judicial acts," in which it can have no operation, "it being utterly unsuitable to the nature of a Court of Justice to consist of two branches, each possessing a negative on the other," whereby in many cases, if such was the constitution of the Court, it could not give a judgment, which is incompatible with every idea of a Court of Justice. On these reasons the late determination of his Majesty in Council with regard to the Supreme Court of Probate, &c., was grounded; and they extend with equal force to the Governor and Council, considered as a Court for hearing all complaints, remonstrances, and impeachments relative to the executive officers of the government, and giving judgment thereon, either for or against the defendant, by acquitting him or removing him from his office.

But it may be objected that the same power which appointed should remove. On which it may be observed that the appointment is to a trust for the public good, and vests a property (the lawful emoluments of the office) in the trustee. The mode of appointment is particularly directed by the Charter. It is by the Governor, with the advice and consent of the Council, neither of whom act in this matter in a judicial character. But the mode of removal, the Charter being silent about it, must depend on the reason and nature of the thing. These require that the removing power should be considered, and in fact be, a Court of Justice. Property, both public and private, being depending and to be settled by that power, determine the nature of it to be specifically judicial, or that it must be a Court of Justice, which excludes the idea of one of its members, where

there is a plurality, being an integral part. There is therefore an essential difference between the appointing & removing power, thô consisting of the same persons, when they act in those different characters. To apply this to the Governor and Council,—in the first character they have a reciprocal controul of each other, agreeable to the Charter. In the latter character, there is no such controul, but they together do constitute a Court of Justice, with powers to form and regulate themselves incidental to all courts, where law has not made provision for that purpose. There is nothing in the Charter inconsistent with this reasoning, but on the contrary this reasoning is grounded on the Charter. The clause of the Charter that relates to the subject under consideration runs thus, “The Governor with the Assistants or Councillors, or seven of them at the least, shall and may from time to time hold and keep a Council for the ordering and directing the affairs of our said Province.” The Governor and Councillors are here blended, and together constitute a Council, which in all cases proper for their cognizance are jointly (and not as two branches having a negative on each other) authorized and appointed for the ordering and directing the affairs of the Province, except in certain cases (particularly mentioned in other parts of the Charter) wherein seven or more Councillors are to be advising and assisting to the Governor. The end of this appointment, viz., the ordering and directing the affairs of the Province, includes among other things the removal of bad officers from office, and consequently includes a jurisdiction to hear, try, and determine on all complaints, remonstrances, and impeachments for that purpose, which perfectly coincides with the idea of a Court of Judicature, and therefore, according to the spirit and intention of the Charter, the Governor and Council must have that jurisdiction, without which their power for the well ordering & directing the affairs

of the Province would be essentially deficient. Upon the whole, we are humbly of opinion, that although "there are no species of crimes committed within this Province which are not cognizable by some established judicatory," although "the Governor and Council have no concurrent jurisdiction with any judicatory in criminal cases, nor any authority to try and determine any species of crimes" [except at least for the purpose of removal from office], it does not thence follow that "the process by impeachment," or the Governor and Council's proceeding and determining upon it, "is unconstitutional," nor that their so doing "will be an assuming of a new or unwarrantable jurisdiction, and make your Excellency liable to answer for it"; nor that "his Majesty's subjects would have just cause to complain of being deprived of a trial by Jury." And we are further of opinion that a denial of the right of complaining or remonstrating against, and impeaching for, mal-administration of office, and a refusal to hear and determine on such complaint, remonstrance, or impeachment, are unconstitutional, will have an unhappy tendency to encourage the executive officers of the government to deviations from their duty, and are incompatible with the safety and happiness of the people.

Wherefore this Board declare their readiness to hear and determine on the impeachment above mentioned, or to hear & determine on the charge & complaint since exhibited by y<sup>e</sup> House of Representatives on y<sup>e</sup> same subject, and desire that your Excellency with the Council would appoint a time for that purpose.

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WILLIAM BOLLAN TO THE COUNCIL OF MASSACHUSETTS.

COVENT GARDEN, March 11<sup>th</sup>, 1774.

GENTLEMEN,—Late in the ev'ning of Saturday the 5<sup>th</sup> inst<sup>t</sup>, I received information that on Monday a message

from the King wou'd be sent to the two Houses of Parliament respecting the late proceedings in North America, and at Boston in particular, accompanied with papers of correspondence ; and L<sup>d</sup> North accordingly on that day presented the following message to the House of Comons, " His Maj<sup>ty</sup> upon information of the unwarrantable practices which have been lately concerted & carried on in N. America, and particularly of the violent & outrageous proceedings at the town & port of Boston, in the Province of Massa<sup>ts</sup> Bay, with a view of obstructing the commerce of this kingdom, and upon grounds & pretenses immediately subversive of the constitution thereof, has thought fit to lay the whole matter before his two Houses of Parliam<sup>t</sup>, fully confiding as well in their zeal for the maintenance of his Maj<sup>s</sup> authority as in their attachment to the common interest & welfare of all his dominions, that they will not only enable his Maj<sup>ty</sup> effectually to take such measures as may be most likely to put an immediate stop to the present disorders, but will also take into their most serious consideration what further regulations and permanent provisions may be necessary to be establish'd for better securing the execution of the laws & the just dependance of the Colonies upon the Crown & Parliam<sup>t</sup> of Great Britain." In consequence of my information, after doubting some time on Sunday what was the best step now to be taken, & being sensible that min<sup>rs</sup>, after taking as much time to prepare their own measures as they think fit, sometimes so far hurry on execution as to distress their opponents ; for this & other reasons, to check in some measure if I cou'd the torrent in this case, I resolved to prepare & publish with all possible dispatch my late petit<sup>n</sup> to the King, with illustrations, and thereupon went into the city to the printer who during some time past had been employ'd in my intended vindication of the rights of the Colonies, a laborious work requiring great care, after collecting numerous proper

materials ; told him he must lay that aside for the present & prepare for printing a short pamphlet with all speed, promising to make proper allowance to the men who shou'd work out of co~~m~~on hours, directing him to send the next morning for part of the copy ; when going about it & attending to it without intermission, the copy was completed on Tuesday before dinner ; and by my clerk's attendance, & my going to the printers in person several times, & afterw<sup>ds</sup> going late farther into the city to two of the principal publishers, in consequence of Mr Almon's telling me at the printer's I was too late for the next day's publication, I prevail'd on them to publish it on Wednesday morning, & now send herewith inclosed 2 copies of it. On Tuesday ev'ning, having before heard of nothing but hostile intentions, I was inform'd that American affairs wou'd come on in the House of Co~~m~~mons to-day, wherefore on Wednesday I resolved to prepare, as far as the uncertain state of the affair wou'd then permit, for petitioning that House ; my chief intent being to ascertain the rights of the Colonies, a point the least objectionable, tho' in its nature efficacious, and for that purpose gain admittance at least to lay before the House authentic copies from the records of many letters pat<sup>t</sup> roy<sup>l</sup> pass'd for acquiring & settling new domin<sup>n</sup> in America, never yet laid before them, thereby proving that the several princes, numerous nobles, & other worthy persons who were concern'd in the settlem<sup>t</sup> of the planta<sup>ns</sup>, as well as the actual settlers, were very far from understanding that they who by their merits shou'd enlarge the public domin<sup>n</sup> shou'd thereby lessen their own liberties ; and after preparing a few general articles that might possibly serve on the occasion, in order to have my petition presented when ready & proper in point of time, I waited yesterday morning on Gen<sup>l</sup> Conway who had in the House denied authority of Parliam<sup>t</sup> to tax America. On proposing the presenta<sup>n</sup> to him, he answ<sup>d</sup>, it wou'd be

more proper for him to support the petit<sup>n</sup>, expressing clearly his readiness to do it; at the same time complaining that violence & disorders in the Colonies laid difficulties in the way of their friends obtaining the relief they wanted. Waiting upon S<sup>r</sup> Geo. Saville, he declined the presentation because he was in hon<sup>r</sup> obliged various ways to apply himself closely to another business. He told me L<sup>d</sup> North had put such an insidious question to him respecting the measures proper for the House to take, that after giving him a suitable answer, he directly went out of the House, out of resentm<sup>t</sup>, as I understood. From him I went directly to the Mansion House, where the Lord May<sup>r</sup> very readily & kindly promised to present my petit<sup>n</sup>. From him, pursuant to his recommdn<sup>a</sup>, I went to M<sup>r</sup> Ald<sup>n</sup> Oliver, whom I found very intelligent & candid, & who satisfied me that my petit<sup>n</sup> might be presented at a more dist<sup>t</sup> day than I had supposed, when a certain object of opposition wou'd have arisen. He told me the W<sup>t</sup> India merch<sup>ts</sup> had agreed to meet on Thursday next in order to oppose any injurious measures, agreeing with me that this was one common cause of all the Colon<sup>s</sup>. I had the pleasure of being inform'd by the L<sup>d</sup> Mayor that the spirit of resentm<sup>t</sup> in their House was abated, and he seem'd to think in no small degree, several of the members to whom he had spoke having changed their minds.

I had, since being refused to be heard before the Lords of the Committee, made as great progress in my examination & observations on the most material parts of the Governour's letter, with intent to complete and publish them with my petition, as the time and avocations would permit, when the late proceedings in Parliament began, which obliged me to change my measures, and publish the petition as you will find it, which, I understand, has not been unserviceable, and the affair of the letters, you are sensible must give way to others more important

during their continuance. It is no easy matter to prepare a petition in efficacious terms for the Province service, & agreeable to the differing sentiments of those who are to support it, and moreover least liable to objection from your adversaries ; wherefore to this & the other difficulties attending this important business I must now go on with my preparation.

I am, gentlemen, with the greatest respect for you & the other members of the Council,

Your most obedient & most humble servant,

W. BOLLAN.

THE HON<sup>BLE</sup> JOHN ERVING, W<sup>M</sup> BRATTLE, JA<sup>S</sup> BOWDOIN, & JA<sup>S</sup> PITTS,  
ESQ<sup>RS</sup>.

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JOHN TEMPLE TO JAMES BOWDOIN, JR.

GREAT GEORGE STREET, London, 15 March, 1774.

MY DEAR JEMMY,— It was with real pleasure that your sister and I received a letter from you to-day, but we are concerned that you had so great a cold when you wrote it. You will before this reaches you have heard of a series of misfortunes that have befall me, and the last almost too great for the fortitude I possess to bear up under. About a fortnight ago, without any previous notice, or any cause assigned, I was (by his Majesty's command, as I understand) dismissed from the employment of Surveyor General, and with all the interest I can make, I cannot gain information what my fault or reputed fault is. Lord North wrote me in his own hand, in answer to my letter, that Ministry did not think themselves obliged to assign any reason for dismissing an officer who held his place during pleasure. You may well think this stroke has thunderstruck me. I have given up my house, and shall immediately dispose of the furniture ; after that we go down to pass some time with

M<sup>r</sup> Lance,\* & shall then retire to some cheap place in the country, till it may please God that this heavy cloud be passed over.

D<sup>r</sup> Franklin was dismissed about a fortnight before me, but that was expected, as he confessed in private that he obtained & sent the famous letters to Boston. Every body else, as well as myself, are at a loss to conjecture what I am dismissed for, unless it be that I am tho't a friend to the American claims ; and as they are now about to assert their authority in America, dismissing all of that country, or who think favorably of their cause, they suppose, may discourage the Americans, and be a means of bringing them sooner under subjection. I have been advised to lay still & say not a word, and perhaps by & by his Majesty may be convinced that whoever it be that has instill'd poison into his ear to my prejudice has done it through mallace. I apprehend it has come from Hutchinson & them at Boston, & conveyed to the King through Hillsborough or some secret enemy here, but this is only conjecture.

Lord North yesterday moved for leave to bring in a bill for the ruin of Boston, that is, to remove the seat of government from that town, to remove all the Custom House & other officers, & render it a place of no navigation. No vessel to be suffered to go in or out. Salem, it is supposed, will be the capital of the Province. Casco Bay has been talk'd of, but that's not probable. *Poor old Boston.* How the people there will submit to this is uncertain ; perhaps their courage may not fail them, tho' most people think it will, & that they will cry *peceavi*.

You will, I suppose, be disappointed of seeing M<sup>r</sup> George Apthorp ; as M<sup>r</sup> Trecothick had a touch of the palsey, M<sup>r</sup> Apthorp was sent for, and is daily expected in London. Betsey & I wish to see you, and if I get an allowance

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\* Mary Temple, John Temple's eldest sister, married, in 1741, William Lance, Esq., who had a country residence in Kent. — Eds.

granted me from the treasury wh [torn] soliciting for, we have thoughts of going as fa [torn] to meet you, when we hear you are drawing this way. Do in your next inform us what your rout will be, & when you purpose coming to Lond<sup>o</sup>. Next Monday American affairs will be consider'd by both Lords & Commons, & severe it is though[t] the measures will be. Lord North's motion which I have already mentioned was carried without a divission. It doth not seem as if they intended to touch any other Province at present but Boston, although Philadelphia & others have sent back the tea ships, tho' they did not destroy the tea. In fact the times are gloomy ; and in my opinion that country & this will never more harmonize ; they may worry & crush the Americans for a time, but they will see themselves at last amicable measures would have held them much longer beneficial to this country than power can possibly do. Our last letters from Boston (late in Jan<sup>y</sup>) inform us that your father, mother, & little Betsey were all well, but the town by no means in a happy state. We had plann'd to ourselves an agreeable time when you came to London, having a pretty house genteely furnished, looking into the Park & large enough to have afforded you every accommodation you could wish, but alass! like other human prospects *the vission is gone*, at least for the present, and God alone knows what is to be my future destiny. Your sister, who has a mind not to be met with among millions, possesses more fortitude than I do on this occasion, and it is one of the greatest blessings left me that she will not be unhappy in adversity, should it please God to continue it to me, but I will hope for the best, and that this cloud may pass over. I have had my health but indifferent of late, but hope retirement in the country will restore it. Betsey & Grenville are very well, and desire to be affectionately remember'd to you. When you write, direct for me at Barlow Trecothick, Esq<sup>r</sup>s, Bucklersbury. By

all means take care of your health. Sacrifice *every pleasure* and amusement to it: it will afford you infinite happiness in reflection that you have escaped what has destroy'd the health of many. Adieu, dear Jemmy, and believe me to be sincerely & affectionately yours.

J. TEMPLE.

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WILLIAM BOLLAN TO THE COMMITTEE OF THE COUNCIL.

COVENT GARDEN, March 15<sup>th</sup>, 1774.

GENTLEMEN,— Having begun my petition to the House of Commons upon a larger scale, after confering with proper members, I reduced it to as small compass as the sufficiency & perspicuity of proper matter wou'd permit, and now send a copy of it. As soon as completed yesterday morning, waiting on the Lord May<sup>r</sup>, in order to its presenta<sup>n</sup>, I found him less spirited for the business than before, & inclined to postpone the presenta<sup>n</sup>, whereupon I observed that it was uncertain what measures the min<sup>rs</sup> wou'd take, that some time past when a petit<sup>n</sup> from another Colony was prepared & proposed to be presented in season, administra<sup>n</sup> got it delay'd, and afterwards when offer'd objected with success that it came out of time, and that in point of fairness to all parties, as well as safety to my constit<sup>ts</sup>, I earnestly desired my petit<sup>n</sup> might be presented that day before the House proceeded to their considerations at large on the state of American affairs. He at length assented & received my petit<sup>n</sup> accordingly, having in the course of what passed observed min<sup>rs</sup> cou'd carry any point they were set upon; to which I answer'd that was no sufficient reason, I thought, for ceasing opposition & despairing of the commonwealth, wherein he agreed. Then going directly to Mr Oliver's, & finding he was gone to the House I went thither, where being inform'd that the Lord May<sup>r</sup> was not come, nor Gen<sup>l</sup> Conway,

for whose use I carried a copy of my petit<sup>n</sup>, I went up into the great committee room to speak with Ald<sup>n</sup> Oliver, whom I found in the chair, which, upon speaking with him, I was satisfied he cou'd not leave in season to assist or second the Lord May<sup>r</sup>. Then returning towards the lobby, the under doorkeeper met & told me the Lord May<sup>r</sup> had come out of the House & enquired for me; whereupon as soon as possible I got the doorkeeper to send in a message to let his Lordsh<sup>p</sup> know I was waiting in the lobby, where I staid a considerable time in painful suspense till S<sup>r</sup> Jos. Mawbey came out & told me the Lord May<sup>r</sup> had desired him to present my petit<sup>n</sup>, being unacquainted with the usual proper proceeding, and after saying a few things he went into the House, & soon coming out again told me the Speaker endeavour'd to throw cold water upon my petit<sup>n</sup>, but after making proper enquiry into the nature of the Council on whose behalf I petitioned he directly return'd into the House with the spirit proper for presenting it. After waiting a considerable time he came out again, & told me he had got my petit<sup>n</sup> so far allow'd & accepted as to be laid upon the table, where it wou'd lye ready to be taken up when any prejudicial measure shou'd require it. Upon asking what countenance the House shewed when it was read, he answer'd, favorable by many; & the quest<sup>n</sup> being put whether it shou'd be received, a considerable majority ans<sup>d</sup> in the affirmative. The min<sup>r</sup>, I found, with another member sitting on the treas<sup>ry</sup> bench, at first rather ridiculed the petit<sup>n</sup>; however he did not chuse to divide the House upon the quest<sup>n</sup>. Among other things S<sup>r</sup> Jos. told me Gov<sup>r</sup> Pownall objected that it did not appear I was the proper agent for the Council; to whom he answ<sup>d</sup> my authority wou'd be shewn when I appear'd & produced my proofs, afterwards adding, they were once very near calling me in. Upon the whole S<sup>r</sup> Joseph behaved extremely well, with the spirit & dispatch proper for pre-

senting my petition immediately before the House proceeded upon American affairs. The reading and admittance of my petition in a full House is a favourable circumstance.

It is impossible for me in the present interesting state of the Province affairs, and my concerns therein, to acquaint you with many particulars otherwise desirable; however I must by no means longer omit mentioning what gave me great pleasure, to wit, that when your affairs were consider'd in the House of Lords, the right of Parliament to tax the Americans was not only denied by Lord Cambden, esteem'd by many the most able judge of this question in the kingdom, but he, according to my information, with great learning & historical knowledge shew'd that taxation & representation were inseparable companions, among other things reading in the House a passage in M<sup>r</sup> Locke, heretofore cited by me in some public essay for this purpose. In case I had in my petition expressly opposed the parliamentary right of taxation, instead of stating the rights of the Colonies incompatible with it, in order to give proper proofs of the same, and so laying the proper foundation of opposition, my petition would certainly have been rejected.

March 17.

I wrote in haste on the 15<sup>th</sup> in order to dispatch my letter, with copy of my petit<sup>n</sup> & the dupl<sup>tes</sup> by the Capt<sup>as</sup> Loyd & Scot, who, I understood, were on the point of sailing, but going into the city at noon I found their departure was postponed for a short time. At present I have not much to add, & less time for doing it. On Monday, having risen early, & been in a constant state of hurry & anxiety until my petit<sup>n</sup> was admited, I then went away directly to get necessary sustenance, geting home about five, having before coming away declined writing to the Speaker, as the doorkeeper had proposed, for the favour of leave of admittance into the House. According to my information next morning great disappointm<sup>t</sup> took

place by the principal persons, men of the greatest weight, in the opposition not speaking at all, and L<sup>d</sup> North's drift seem'd to be to adopt the ancient maxim, *divide & impera*, and to make the town of Boston the chief source of all the opposit<sup>n</sup> made by the Colonies to the measures of governm<sup>t</sup> &, by punishm<sup>t</sup> suitable to this idea, to make an example of them *in terrorem* to others, supposing the old maxim *proximus ardet* wou'd not take place in the Colonies.

Lord Cambden was not at home yesterday when I went to wait on him, whereupon I left, to be deliver'd to him at his return, a copy of my petition to the House of Commons, & a printed copy of my late petit<sup>n</sup> to the King, &c. American affairs being appointed to come on in the House of Lords to-day, upon my waiting on him this morning his Lordsh<sup>p</sup> told me his serv<sup>t</sup> inform'd him Serg<sup>t</sup> Baldwin had left some papers for him which he had not look'd into, & he was in such haste that I had barely time to inform him that Calais, which you are sensible was obtain'd by conq<sup>t</sup> at the expense of much blood & treas<sup>r</sup>e, had in process of time right of election of two members to sit in Parliam<sup>t</sup> granted by act of Parliam<sup>t</sup>, to which he seem'd quite a stranger, the knowledge whereof, after making many researches in vain, I had at length acquired. The right of taxation being hastily ment<sup>d</sup>, he said an act of Parliam<sup>t</sup> hung over his head, and at my coming away said he shou'd be glad to see me any other time; and as the min<sup>rs</sup> proceed against you by bill, that will give opportunity of course for my waiting on him.

I am with the greatest respect for you gentlemen & the other members of the Honorable the Council,

Your most obedient & most humble servant.

W. BOLLAN.

THE HON<sup>BLE</sup> JOHN ERVING, W<sup>M</sup> BRATTLE, JAS BOWDOIN, & JAS PITTS,  
Esq<sup>RS</sup>.

PETITION OF WILLIAM BOLLAN TO THE HOUSE OF  
COMMONS.

TO THE HON<sup>BLE</sup> THE COMMONS OF GREAT BRITAIN IN PARLIAMENT  
ASSEMBLED.

THE petition of W<sup>m</sup> Bollan, Esq<sup>r</sup>, Agent for & in behalf of the Council of the Province of Massachusetts Bay, and likewise of himself and the other inhabitants of the town of Boston, most humbly sheweth:

That the "bill for the immediate removal of the officers concern'd in the collection & management of his Majesty's duties of customs from the town of Boston in the Province of Massa<sup>ts</sup> Bay in North America, and to discontinue the landing, discharging, lading & shiping of goods, wares, & merchandize at the said town of Boston, or within the harbour thereof," at present depending under consideration of this Hon<sup>ble</sup> House,\* contains various provisions; proposed to be enacted, inconsistent with the ancient & just rights, meritorious services, lawful possessions, reasonable customs, usual comforts of life, & common social benefits, with other important interests of all the persons in whose behalf this petition is presented, long held in amicable conjunction with the other inhabitants of the Province, and the most desirable connection with innumerable persons employ'd in manufactures, trade & navigation in Great Britain, whereby they have been well maintain'd & prosper'd, and moreover inconsistent with the general circulation of American commerce,

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\* This bill, commonly known as the Boston Port Bill, was introduced into the House of Commons March 14, 1774. Mr. Bollan wrote a short letter to Mr. Bowdoin, under date of March 18, 1774, and in a postscript, which is dated March 23, he adds: "I am preparing in all haste my petition agt the Blockade Bill to be presented, if possible, to-day before the House goes into a Comtee, and therefore cannot add save that I can find no real abatement of min<sup>r</sup> violence. Inclosed you have my last night's paper, wh<sup>ch</sup> mentions the departure of dispatches for seizing certain offensive persons. Whether true or false, I can neither say nor enquire, and am far from being the first man min<sup>r</sup>s wd inform." — EDS.

from which so great benefits are daily received by this kingdom various ways.

Wherefore the petitioner humbly prays that he may be heard before this Hon<sup>ble</sup> House, in order to prevent these provisions from passing to be enacted.

W. BOLLAN.

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COMMITTEE OF THE COUNCIL TO WILLIAM BOLLAN.\*

BOSTON, March 30<sup>th</sup>, 1774.

S<sup>n</sup>, — Agreeable to what we wrote you the 20<sup>th</sup> and 24<sup>th</sup> December, your letter of the 1<sup>st</sup> of September was laid before the Council, who thought proper to communicate it to the House of Representatives, together with your letter of the 18<sup>th</sup> of October, 1771, to which you refer for the proposal contained in it relative to the eastern part of the Province. A joint committee of the two Houses was appointed to consider those letters; but the attention of the lower House was so much engaged about the Chief Justice and other affairs, that their committee could not find time to enter on that business till towards the close of the session of the Court, the sudden & unexpected prorogation of which prevented any thing being done in it.

As Lord Dartmouth approved your proposal, and we have not heard any objection made to it, we think it would forward it if you were to confer with his Lordship in order to know the situation and quantity of land proper to be sequestered for the supply and growth of mast-trees for the royal navy; the Province right to which land to be transferred to the Crown, and the Crown in lieu of it to give up all rights to trees growing or that shall grow on all other lands in the Province, and to vest the General

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\* The signatures to this letter are autographs. Apparently only the original was sent to Mr. Bollan, and the "duplicate" remained in Mr. Bowdoin's hands.—EDS.

Court with the absolute right of granting all other lands within the Province to the eastward of Sagadahoc River, not already granted, or become private property.

The dependence of the Justices of the Superior Court on the Crown for their support has given universal uneasiness. Four of them have given assurances they will receive no such support, but the Chief Justice having for some time secretly received a stipend from the Crown, and in his letter to the House of Representatives in consequence of a resolve they sent to him, having manifested his intention still to receive it, they impeached him before the Governor and Council. What has past on this subject between the several branches of the General Court we send you by this conveyance for your information. You'll observe by the Governor's last message to the two Houses, which put an end to the session the 9<sup>th</sup> instant, that he says some of their votes, resolves, and other proceedings strike directly at the honor and authority of the King and of the Parliament. We do not know what the Governor refers to, and are certain that nothing done by the Council is intitled to such a high censure, or any censure at all, as you may judge by the papers. If any thing should be attempted to the disadvantage of the Province in consequence of the proceedings at the session, or on any account whatever, the Council doubt not your endeavours will be exerted to prevent it.

A grant of twelve hundred pounds sterling for your services to July last was made to you this last session, but has not been consented to by the Governor. The Governor's speech at the opening of the session gave the Council occasion in their answer to it to enter on the affair of your agency and the justice of your being compensated for it. It was hoped as no reply was made that the Governor was convinced of the reasonableness of such a compensation, and that he would have signed the grant, or at least recommended to the Ministry to give him liberty for

such a purpose ; and this last it is yet hoped he has done. The speech and answer you have herewith.

In behalf of the Council of Massachusetts Bay we are very respectfully, S<sup>r</sup>,

Yr. most obed<sup>t</sup> serv<sup>t</sup>.

JOHN ERVING.	}
JAMES BOWDOIN.	
JAMES PITTS.	
SAMUEL DEXTER.	
JOHN WINTHROP.	

Com<sup>tee</sup>.

WILLIAM BOLLAN, Esq<sup>R</sup>.

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WILLIAM BOLLAN TO THE COUNCIL OF MASSACHUSETTS.

COVENT GARDEN, May 12<sup>th</sup>, 1774.

GENTLEMEN, — On Thursday, the 5<sup>th</sup> inst<sup>t</sup>, having completed my petition to the House of Lords, I waited on the Duke of Richmond, who after kindly receiving it said he was ready to present it without delay, at the same time taking notice that the chief debate upon the bill wou'd not take place til the third reading, which wou'd be some day in this week : whereupon I observed that the intent of my petition being to check the proceedings upon the bill, I was rather desirous in point of fairness that the petition shou'd be presented as early as might be consistent with prudence in other respects, and pray'd the favour of his Grace to present it when L<sup>d</sup> Cambden was in the House, & to consult his Lordship upon the conduct of the petition, having been disappointed of seeing him that morning ; to which his Grace assented, adding that he wou'd go to the House that day, & give notice of his having the petition to present ; and the next day I attended at the House of Lords until they arose, when I was inform'd the petition was not presented. Waiting on the Duke of Richmond the next morning, I understood it was thought best to

defer presenting my petition til this week, and his Grace told me he had given it to L<sup>d</sup> Cambden for his consideration. From his Grace I went directly to L<sup>d</sup> Cambden's, where I was inform'd he was gone into the country, & it was uncertain what time he wou'd return on Monday; wherefore on that day I attended at the House of Lords during the time of their sitting, and nothing was done, L<sup>d</sup> Cambden not coming down. On Tuesday morning I was again disappointed of seeing his Lordship, but attending at the House of Lords a little before they arose, the Duke of Richm<sup>d</sup> & his Lords<sup>p</sup> came out of the House to me, & enquired whether I chose to be heard; to whom I answ<sup>d</sup>, that I came prepared for that purpose, whereupon L<sup>d</sup> Cambden said it was proper for me to add that to the prayer of my petition directly, so that it might be then presented, and the Duke having given me the petition they return'd into the House, & I instantly wrote a few words, which I thought might suffice, and sent them in by a proper officer for their approbation or correction. He brought for answer that they desired to see me in the House; upon which going in to them, they said the House was broke up: praying the favour of their reading the words I proposed to be added to the petition, L<sup>d</sup> Cambden said they wou'd do very well. They told me the petition wou'd certainly be presented the next day. Yesterday morning, having somewhat alter'd the expression relative to my being heard, I carried it on paper to L<sup>d</sup> Cambden, who approving it, after satisfying his Lordship's enquiry's respecting the course of judicial proceedings in the Province, the petition being then concluded, I waited on the Duke of Richmond with it, who was so far persuaded of success that he said I shou'd certainly be heard. Upon his presenting it, after its being read by the Clerk, he proceeded to the support of it, wherein he was well seconded in the course of the debate, which on the part of administration was begun, I understood, by Lord Mansfield, which

I instantly thought did not bode well for your interest. In conclusion a division taking place upon the question, whether I shou'd be heard, 21 Lords voted for it, & 57 against it; after which the bill being read, the debate was renew'd, and finally the question being put, whether the bill shou'd pass, the like number of 57 voted for it, & 21 against it.\*

When waiting on L<sup>d</sup> Cambden this morning, I desired to know the reason of the Lords' refusing to hear me, to which he answ<sup>d</sup>, "the worst; they were resolved to pass the bill, & I came to stop their proceedings," adding that if an angel had come from Heaven it wou'd not have availed, tho' the minority upon the division, he said, was greater than he expected. From his Lords<sup>p</sup> I went to the Duke of Richmond, who told me among other things that the Secry of State in the debate said it was necessary to go on til the Colonies acknowledged the superiority of this country; whereupon he asked whether the right of taxation was intended to be included; to this it was answ<sup>d</sup> that a general submission was requisite, which in his Grace's sense of the matter, if I understood him aright, was certainly intended to comprize the power of taxation. Inclosed herewith you have a copy of my petition as presented to the Lords, save that the articles of the petit<sup>n</sup>

\* This was the bill "for better regulating the government of Massachusetts Bay," under the authority of which the Mandamus Councillors were appointed. Horace Walpole's account of what took place in the House of Lords contains some additional particulars. "On the 11th the Bostonian Bill was agitated in the Lords. Bolland, the agent, petitioned to be heard, and was rejected, as by the Commons, on a division of 57 to 20. The Duke of Richmond spoke warmly for Boston; said *they would be in the right to resist, as punished unheard, and, if they did resist, he should wish them success.* — Lord Camden spoke out too, though more moderately, saying he loved this country so well that, though in the wrong, he should wish it success. He then more warmly attacked *Lord Mansfield, whom he treated as author of the bills and of all the present measures.* — Lord Mansfield, in a speech of an hour and a half, very artful but very timid, returned no attack, but purged himself of the bill, which he protested he had never seen till printed — a falsehood too gross and incredible for any art to palliate. — Lord Sandwich and Lord Lyttelton defended the bills, and the latter, as usual, attempted to provoke the Duke of Richmond. The House sat till eleven, when the bill was voted by about the same number as had rejected Bolland; but to colour the violence with more names, proxies were produced. The next day eleven lords protested." (See Walpole's Last Journals, vol. i. p. 364.) — EDS.

were numbered in the copy, tho' not in the original, for my own use upon the expected hearing, so that they might be answ<sup>d</sup> by the like numbers given to the corresponding proofs & reasons prepared to support the whole, article by article. When I settled the petit<sup>n</sup> to the House of Com<sup>s</sup> with Mr Dowdeswell, I proposed adding to the prayer my desire of being heard in support of it, to which he answ<sup>d</sup> in effect that my doing so wou'd be liable to this misconstruction, that altho' the allegations in the petit<sup>n</sup> of the merits of the Prov<sup>ee</sup> & Council were made with intent to strengthen the reasons of the prayer for suspending all proceedings till the Prov<sup>ee</sup> cou'd have notice & make their regular defence, yet upon their hearing me, at my own desire, to weaken the force of the object<sup>n</sup> against their precipitate proceeding without giving such notice & time for defence, it wou'd probably be said they had heard all I had to offer in your behalf; wherefore it was better the prayer of the petition shou'd stand as you rec<sup>d</sup> it, & that my being heard shou'd be moved for in the House as a matter proper in its nature, wherein I acquiesced upon consideration.

It may be some little comfort to you in your present state of distress to be assured that sev<sup>l</sup> of the most respectable persons in point of understanding & public virtue in each House of Parl<sup>t</sup> have steadily contin<sup>d</sup> from the first your faithful friends, altho' some others have been less firm in their attachm<sup>t</sup>; but I desire no ment<sup>n</sup> may be made of the names of those noble or other worthy pers<sup>s</sup> aforement<sup>d</sup> who exerted themselves in the defence of your cause upon the sharpest trials, as it may be very disagreeable to some of them & tend, various ways, to lessen that free communication which is frequently necessary to negotiate your affairs in the most beneficial manner.

The third bill, "for the impartial administr<sup>a</sup> of justice" consider'd in its nature, execu<sup>n</sup> & example appears

to me pregnant with great grievance & danger; wherefore I must now go on with my preparations to oppose it, tho' without the least prospect of success, having been several ways inform'd that the projected measures of administration were immutable, & that all the remaining bills wou'd pass & be ready for the royal assent by this day se'night; tho' a member of Parl<sup>t</sup>, who call'd upon me yesterday noon seem'd to think the King wou'd not come to the House til next day. L<sup>a</sup> Cambden hath already as deep a sense of the evil nature of this third bill as you can desire; yet his great abilities, noble spirit, & high character, I am satisfied, will be attended with no success, and, to use his own words, where most applicable, if an angel was to come down from Heaven upon the present occasion it wou'd signify nothing.

I am with the greatest respect for you, gentlemen, and the other members of the Council,

Your most obedient & most humble servant.

W. BOLLAN.

P. S. The Provincee service in the arduous course of it hath been much distress'd, and myself with it, by the want of Provincial authority; but in the debate that arose in the House of Lords upon my last petition, I understand, my authority from the Council was not call'd in question.

THE HON<sup>BLE</sup> JOHN ERVING, W<sup>m</sup> BRATTLE, JA<sup>s</sup> BOWDOIN, & JA<sup>s</sup> PITTS,  
Esq<sup>rs</sup>.

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JAMES BOWDOIN TO WILLIAM BOLLAN.

BOSTON, Sept<sup>r</sup> 6, 1774.

SIR,— You have been informed that ye two Houses at the last session made a grant to you of £1200 st<sup>g</sup>, which it was hoped the Gov<sup>r</sup> would sign, but he has not.

Since w<sup>ch</sup> y<sup>e</sup> act of Parliament for altering the form of government has been rec<sup>d</sup>, and it has, as was expected, thrown every thing into confusion. The people of this Province are universally incensed against it, as are all the Colonies, particularly those of New England, who will not suffer y<sup>e</sup> act to be carried into execution, and are determined to risk y<sup>e</sup> consequences, whatever they may be. The Courts in several of the counties whose terms have come about since y<sup>e</sup> arrival of y<sup>e</sup> act have done no business, y<sup>e</sup> juries unanimously refusing to serve; and this will doubtless be y<sup>e</sup> case in every county in y<sup>e</sup> Province. Town meetings go on as usual, w<sup>ch</sup> have produced county meetings by delegates, and these, 'tis said, will produce a Provincial meeting by com<sup>tees</sup> from those delegates. One spirit actuates the whole for the purpose of self defence. In consequence of it most of y<sup>e</sup> new appointed Councillors have resigned their offices; and 'tis expected all of them will do the same; so that there will probably not be a Council of y<sup>e</sup> new stamp at the time y<sup>e</sup> Gen<sup>l</sup> Court are called to meet, viz., on y<sup>e</sup> 5<sup>th</sup> of Oct<sup>r</sup> next. But if there should be such an one, it is next to certain y<sup>e</sup> Rep<sup>s</sup> (for y<sup>e</sup> choice of whom precepts are just issued) will refuse to do business with them. This is a summary of the confused state into w<sup>ch</sup> y<sup>e</sup> measures of Ministry have thrown the Province; but we have the satisfaction to know that the other Colonies look on our case as their own, and that they will not be tame spectators of our destruction or insolvency. It is hoped the Congress will propose measures that will be agreeable to, and adopted by, all y<sup>e</sup> Colonies, and to which a reasonable & intelligent British Ministry can & will accceed. M<sup>r</sup> Josiah Quincy, Jun<sup>r</sup>, a gentleman of y<sup>e</sup> law, will hand to you this letter. He can give you a particular account of y<sup>e</sup> situation of things here, and such as may be relied on. You will find him an ingenious, sensible, and worthy gentleman, and as such I beg leave to recommend him

to you.\* In y<sup>e</sup> present situation of things I do not see how a grant to you can be compleated, but should they take such a turn as to make it possible I am persuaded y<sup>e</sup> Charter Council, who are looked on as still existing, will do their endeavour to compleat it. As a quondam member of it my endeavours shall not be wanting for that purpose. I hope your Vindication of y<sup>e</sup> Rights of y<sup>e</sup> Colonies will appear soon, and am, with y<sup>e</sup> greatest esteem & respect, Sir,

Y<sup>r</sup> most obed<sup>t</sup> hble serv<sup>t</sup>.

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JAMES BOWDOIN TO JOHN TEMPLE.

BOSTON, May 2, 1774.

D<sup>r</sup> SIR, — Your dismission from office, of w<sup>ch</sup> we had some uncertain reports, was confirmed by your letter of y<sup>e</sup> 8<sup>th</sup> March. It is very surprizing it should have been without any previous notice or cause assigned. However, as it was from a misapprehension and mistaken idea of your conduct, if y<sup>r</sup> friends conjectured right concerning y<sup>e</sup> cause, and as you stand in high repute as a revenue officer, it is to be hoped you will be restored to the favour of government. In y<sup>e</sup> meantime your consciousness that you have not forfeited it must induce you to apply for it by your friends, and encourage you to expect it. I think you judge perfectly right in determining to continue in England from that expectation. Your brother tells me that besides a late remittance he should send you in a short time £500 sterl<sup>g</sup>, and if you should need £500 more, and my being surety for you will procure it, you may apply to Mess<sup>rs</sup> Lane, Son, & Fraser for the loan of it, to whom I have wrote a letter of this date, an

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\* Mr. Bowdoin also wrote on the same day a letter to Dr. Franklin, introducing Mr. Quincy, extracts from which are printed in Proceedings, vol. xiii. pp. 153, 154. — EDS.

extract of which is inclosed. They are y<sup>e</sup> only mercantile correspondents I have in England, and y<sup>e</sup> only persons of whom I can ask this favour. I hope my dear daughter & her little boy are well, and that she continues in good spirits. Whatever be your fortune in England, she and you may depend on finding a sincere friend here in, d<sup>r</sup> S<sup>r</sup>,

Y<sup>rs</sup>, &c.

Sept<sup>r</sup> 10, 1774.

D<sup>r</sup> S<sup>r</sup>, — The foregoing is copy of y<sup>e</sup> letter I sent you inclosed in mine to Mess<sup>rs</sup> Lane & C<sup>o</sup>, w<sup>ch</sup> I hope you have rec<sup>d</sup>. The situation of things in this Province is very disagreeable, and they seem ripening to a crisis. Six regiments are now here, and more are expected, for y<sup>e</sup> purpose of enlightning our intellects, and convincing us that our lives, liberty, & property are safer in y<sup>e</sup> hands of foreigners than our own. For y<sup>e</sup> same purpose also are intended y<sup>e</sup> acts for shutting up our port, abolishing y<sup>e</sup> Prov<sup>ee</sup> Charter, &c. But notwithstanding these impositions and other that may arise from y<sup>e</sup> Canada acts, y<sup>e</sup> people maintain a firmness w<sup>ch</sup> astonishes y<sup>e</sup> exec<sup>rs</sup> of those acts. There is a remarkable spirit of union among y<sup>e</sup> Colonies, w<sup>ch</sup> on this occasion took place in most of them prior to any cōmunications from & to each other; and 'tis probable it will be guided in its operations by y<sup>e</sup> proceedings and advice of y<sup>e</sup> Congress at Phil<sup>a</sup>, to w<sup>ch</sup> M<sup>r</sup> Bowdoin's illness prevented my going. The measures they shall recomēnd, 'tis to be hoped, will have a happy tendency to open y<sup>e</sup> eyes of administration & bring y<sup>e</sup> two countries once more into a state of tranquillity and mutual confidence in each other. M<sup>r</sup> Josiah Quincy, Jun<sup>r</sup>, whom you know very well, will deliver this to you. He is a worthy, sensible gent<sup>n</sup>, and can give you an exact acc<sup>o</sup> of American affairs. I beg leave to recomēnd him to y<sup>r</sup> civilities. I have just returned to town from M<sup>r</sup> Bowd<sup>o</sup>, who is in y<sup>e</sup> country on acc<sup>o</sup> of her health. She

sends her love & best regards to you and our dear Betsy & her little boy, in w<sup>ch</sup> she is most affectionately joined by, dr S<sup>r</sup>,

Y<sup>r</sup> most.

W<sup>M</sup> QUINCY, W<sup>P</sup> LYDE.

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CHARLES CHAUNCY\* TO JOHN TEMPLE.

BOSTON, Sept<sup>r</sup> 13<sup>th</sup>, 1774.

SIR, — You very much disappointed me in sending no answer to several letters I wrote you of some importance, all w<sup>ch</sup> I suppose you received, as I took care y<sup>t</sup> they sh<sup>d</sup> be safely delivered.

Your friends here were grievously affected w<sup>th</sup> the news of your being displaced, but we all hope a better state of things will soon take place, w<sup>n</sup> you may again be well provided for.

I shall write you nothing about the operation of the Boston Port Bill and the two others y<sup>t</sup> soon followed upon it, as the bearer of this, M<sup>r</sup> Josiah Quincy, a young gentleman you may not perhaps know, will be able to give you as full and particular an account of our affairs in consequence of them as you can desire, as also of all other facts relative to this and the other Colonies. He is a person of more y<sup>n</sup> common powers, of a sprightly genius, thôrow acquaintance w<sup>th</sup> the constitution and laws of the country, and a perfect friend to the principles of true liberty. He goes from hence to England strongly disposed to serve this and the other Colonies, w<sup>r</sup>in he may be able; and he will be the better able to do this, if by means of gentlemen of character at home, he may get

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\* Rev. Charles Chauncy, D.D., minister of the First Church in Boston. He was born in Boston, Jan. 1, 1705, graduated at Harvard College in 1721, and died Feb. 10, 1787. See Ellis's History of the First Church, pp. 188-208. The letter now printed was communicated to the Society, in October, 1893, and may be found in 2 Proceedings, vol. viii. p. 288; but it has been thought desirable to include it here with other letters of the same period. — EDS.

opportunities of conversing with those, either in or out of administration, who may have it in y<sup>r</sup> power to be serviceable to us. The favor I would ask of you is only this, that you would lend him your help in getting into the company of such persons as these; in particular y<sup>t</sup> you would procure for him an opportunity and permission to see and converse with Lord Chatham, Lord Temple, and such others as you may introduce him to of like character.

I suppose M<sup>r</sup> Bowdoin will write you upon this same occasion, and w<sup>th</sup> the same view. I will at present add no more, after due compliments to M<sup>rs</sup> Temple, than that I am,

Your friend and humble servant.

CHARLES CHAUNCY.

THE HON<sup>BLE</sup> JOHN TEMPLE, ESQ<sup>B</sup>.

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JOHN TEMPLE TO LORD DARTMOUTH.\*

BATH, SOUTH PARADE, 13 October, 1774.

MY LORD, — A few days ago I received a letter from M<sup>r</sup> Pownall, in which he informed me that I was superceded in the appointment of Lieut<sup>t</sup> Governor of the Province of New Hampshire in America. I had before casually heard such a report, but did not give any the least credit to it; and of all the extraordinary treatment I have met with as a servant of the Crown for a series of years past, without any reason assigned, this I the least expected,

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\* William Legge, second Earl of Dartmouth, was born June 20, 1731, and graduated at Trinity College, Oxford. In July, 1765, he was appointed President of the Board of Trade and Plantations, which office he held for about a year, until the formation of the Duke of Grafton's ministry, when he resigned. In August, 1772, he succeeded Lord Hillsborough as one of the Secretaries of State, and retained this office until November, 1775, when he was made Lord Privy Seal. On the downfall of Lord North's administration, he resigned, and, with the exception of serving for a few months under the Coalition as Lord Steward of the Household, he held no further political office. He died July 15, 1801. See Dictionary of National Biography, vol. xxxii. pp. 417-419.—EDS.

after what your Lordship said to me on the subject. You will remember that when I waited on you to inform you that I was dismissed from the office of Surveyor General of the Customs, & shewed you Lord North's letter wherein he expressly refused giving me any reason for my dismission, your Lordship express'd concern, & said you was very sorry for it, never having heard a word of such Lord North's intention till that morning. I then ask'd your Lordship whither any part of my conduct had been displeasing *to you*, for that I held an honorary appointment under your department, and beg'd to know if that was also taken from me. Your Lordship reply'd, "It was not, that the King had said nothing to you about removing me, & that out of regard to me you had mentiond nothing to his Majesty concerning that appointment." I thank'd your Lordship for such marks of your regard & kindness which perfectly agreed with all your former sentiments, & told you I should patiently retire into the country till the thick clouds then gathering over American affairs might be dispersed, and never heard a word of my being superceeded till some months after your appointment had taken place. From that goodness of heart I had always been taught to think your Lordship possesses, I trust you will not be displeased at my thus laying open my mind to you, as I mean it with the utinost deference & respect. I feel myself an injured man, and fully believe both you and Lord North will in the calm evening of life, if not before, think I have had great injustice done me, and possibly from a review of things may regret the treatment I have met with. With regard to American affairs, on account of which, 'tis conjectured, I have met with so much unfair & unjust treatment, the searcher of all hearts knows it has been my most ardent desire to contribute all in my power to *prevent* them from getting to the unhappy, if not alarming, state they are now in. From the situation I was for a long time in in

North America, I early foresaw the height those unhappy affairs would arrise to, if not stop'd in their infancy; and as I thought the evils were principally owing to government's being misinform'd & misled, I felt the stronger impulse to give my superiors every usefull information in my power. Your Lordship knows I have done it to you. I have done it to my Lord North, & with the utmost truth & sincerity; and from the advantages of connection & natural interest added to the official experience I have had in that country, I am sure my intelligence has always been well founded. And I am sincerely sorry to find so much of what I expressed my fears about to your Lordship now coming to pass. I may in point of prudence have been too zealous & too open in those affairs; I always felt happy in finding, as I thought, your Lordship in the same sentiments, and if ever a man suffer'd for endeavouring to prevent great & public evils I have for endeavouring to prevent those now rappidly approaching to both that & this country. I love America; it is my native country; but I never had the most distant wish for its advancing to a state incompatible with the honor & prosperity of this its parent country. And whenever the time comes when a reconciliation shall be the object of government, I think I have an influence there, at least in the northern provinces, that may be usefull, and no man living will have greater pleasure than myself in exerting it to the utmost in contributing to bring about the desirable event.

Had my own advancement & prosperity been alone the object of my persuit, for several years past common policy would have dictated to me another line of conduct than that I follow'd, especially in M<sup>r</sup> Grenville's administration, when I might have had any thing in his power to give, honors as well as appointments, in preference to those on whom they have been confer'd, but then I must have deceitfully flatter'd that minister with the probability

of success to his American plans, when in my conscience I foresaw if persisted in they must ruin him as a minister. I rather chose to confine myself to truth and justice in all my letters to him & in my conduct as an officer of the Crown in that country ; & I know Mr Grenville lived to be convinced I was essentially right in all my representations to him, & I have now the real satisfaction to feel in my own breast that I have conscientiously intended well in all my subsequent conduct as a servant of the Crown.

The place your Lordship has dismissed me from was merely honorary. I never was benefited a single shilling by it the whole fourteen years of my appointment. I however highly valued it as an honor done me by my sovereign, and as an office that was created purposely by Mr Pitt to give me rank in that country, there never having been a Lieut. Governor to that province before, and it was the first new commission his present Majesty ever signed.

I beg your Lordship will believe me to be, with the utmost respect,

Your Lordship's most obedient and most humble servant.

J. TEMPLE.

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WILLIAM BOLLAN TO JAMES BOWDOIN.

COVENT GARDEN, Dec<sup>r</sup> 6<sup>th</sup>, 1774.

SIR, — Enclosed you receive the King's speech to his new Parliament, and the address moved for in the House of Lords, & the proposed, but rejected, amendment of it, with the noble protest of several dissenting Lords. Yesterday the address of the House of Commons, of a similar nature, but omitting the word 'abhorence', with an amendment proposed by Lord John Cavendish, came under consideration, & upon debate the amendment was rejected by 264 against 73, the intent of it being, like

that in the Lords House, to prevent the House from giving their sanction to any ministerial American measures, before they had received the proper evidence of the particulars & consider'd them. A worthy member informs me that the noble Lord who moved for the address, & is generally understood to speak the sense of the ministry, declared in support of his motion to this effect, that the address when made wou'd not preclude the consideration of any future measure, for instance the abrogation of the late acts respecting your port & province; and several members say that the ministry declined ent'ring into the merits of the American dispute, & that L<sup>d</sup> Cambden cou'd not by the most noble speech raise up L<sup>d</sup> Mansfield, who is understood to be min<sup>r</sup> in that House, to give him any answer. The Com<sup>mons</sup> address was not reported to-day, & so remains in committee til to-morrow.

M<sup>r</sup> Quincy by his thoro' knowledge of your present unhappy state, with its causes, & his zeal for your public rights & interests, fully answers your recom<sup>enda</sup>n<sup>t</sup>, and upon knowing his arrival, I was desirous of his appearance in the House of Com<sup>mons</sup>, to ascertain the state & disposition of the Colonies, which, you are sensible, have been so far misrepresented. I took some preparatory measures for this purpose, but at present do almost despair of obtaining it. The King may, I conceive, take further measures in consequence of the two addresses, without previous application to the two Houses; but I am inclined to think his min<sup>rs</sup> will not advise to proceed to the last extremity without Parliamentary sanction.

After various avocations unavoidable, & great, expensive changes of my first plan of proceeding, conforming to the varying state of the times, to ascertain the rights of the Colonies & promote their interest in the most beneficial manner, I completed my defence of their civil rights, & on the meeting of the new Parliam<sup>t</sup>, which I judged the most convenient time, after presenting numerous copies

to noble & other worthy persons, published it under the title of "The Rights of the English Colonies estab<sup>d</sup> in America stated & defended ; their merits & importance to Great Britain display<sup>d</sup>, with illustrations of the benefits of their union & of the mischiefs & dangers of their continued dissention," and purposed to send by the Diogenes, which will sail ere long, but not so soon as I expected, 100 copies address'd to M<sup>r</sup> Erving, to whom I pray you will give my best compliments.

Error, you are sensible, is infinite, and error begetting error, & violence in council violence in action, one of the most noble empires in the world is most strangely brought into great danger, from which I conceive, we have all abundant reason to pray for deliverance.

I am, with great esteem & regard, Sir,

Your most obedient & most humble servant.

W. BOLLAN.

P. S. M<sup>r</sup> Quincy having undertaken to transmit this in the most secure manner, you will receive it under his cover.

THE HON<sup>BLE</sup> JAMES BOWDOIN, ESQ<sup>R</sup>.

JAMES BOWDOIN TO WILLIAM BOLLAN.

BOSTON, March 30, 1775.

SIR,—This will be delivered to you by M<sup>r</sup> Dana,\* a son of your old friend dec<sup>d</sup>, and his successor in y<sup>e</sup> practice of y<sup>e</sup> law. Our law Courts being shut, & his business suspended of course, he takes the opportunity this vacation affords him of seeing England. He is a sensible gent<sup>a</sup> and of a very good character, and can inform you how

\* Francis Dana, born in Charlestown, June 13, 1743, graduated at Harvard College in 1762, and died at Cambridge, April 25, 1811. The son of an eminent lawyer and patriot in the early stages of the struggle with the mother country, he was himself alike eminent as a lawyer, a statesman, a diplomatist, and as Chief Justice of Massachusetts.—EDS.

things are circumstanced here. I think it w<sup>d</sup> not be amiss to caution him against y<sup>e</sup> wiles of a certain politician on your side of the water. Good sense will not always guard a man against deception, especially if it happens that he has a good opinion of y<sup>e</sup> deceiver. The tools of ministry here have been very assiduous in their endeavors to bring the people to an acquiescence with their measures by applying to their passions, especially their fear; and they pretend to believe, and have probably represented to their employers, that they have converted great numbers, and in consequence of this may have urged a perseverance in those measures from an expectation of their finally succeeding. But Ministry will find themselves deceived if they trust to such representations. The union among y<sup>e</sup> people in a determined opposition to ministerial oppression is surprizing. It is prevalent throughout New England, and there are at least appearances of their providing and being prepared against y<sup>e</sup> worst. The same spirit is general in y<sup>e</sup> other Colonies, not excepting New York, where y<sup>e</sup> hirelings of Ministry, who thought they had gained the majority by their lies & incessant scribbling, have lately had abundant evidence of y<sup>e</sup> futility of their endeavours for that purpose. We begin to expect y<sup>e</sup> result of y<sup>e</sup> deliberations of Parliament on American affairs. The King's speech and y<sup>e</sup> replies to it do not promise any thing favorable; but it is hoped the petitions from y<sup>e</sup> trade & from several parts of y<sup>e</sup> kingdom will produce y<sup>e</sup> repeal of y<sup>e</sup> acts objected to, and thereby restore y<sup>e</sup> peace of y<sup>e</sup> empire. This hope is grounded on the national interest being connected with, and in a great degree dependent on, such a repeal. However, if it should not take place, or if on the contrary further severity and injustice should be resolved on, they will only serve to alienate y<sup>e</sup> Colonies still more, and may bring about a dismemberment of them from y<sup>e</sup> mother state; but it is irksome to consider y<sup>e</sup> consequences, even if one were

wholly uninterested in them. What is the policy that prevails at present? It excludes every idea of justice, honour, and philanthropy. It is a composition of y<sup>e</sup> contrary qualities mixed with cruelty and ignorance or something worse. At least that is the American idea of it; and it has produced its genuine effects, such as were to be expected from it. It has destroyed all confidence in administration, and has necessitated the Colonies to provide for their own safety by y<sup>e</sup> best means in their power. God succeed them. Wishing them success is wishing prosperity to y<sup>e</sup> nation, whose interests have been sacrificed, in order to create a new fund for inslaving it further.

I am to thank your for your letters of y<sup>e</sup> 6<sup>th</sup> & 10<sup>th</sup> of Dec<sup>r</sup>, and particularly for your pamphlet on the Rights of the Colonies, which I have read with great pleasure. I com̄unicated it to Capt. Erving, Dr Cooper, & other gentlemen, who much approve and thank you for it. The Diogenes, by w<sup>ch</sup> you say you shall send 100 copies to Mr Erving, is not yet arrived. With great sincerity I join with you in hoping that the Colonies "by their wisdom & fortitude will to their perpetual honour in these days of severe trial promote y<sup>e</sup> common safety and welfare," and am with great truth & regard,

S<sup>r</sup>, y<sup>r</sup>, &c.

J. BOWDOIN.

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ABIGAIL ADAMS\* TO JAMES BOWDOIN.

BRAINTREE, June 16<sup>th</sup>, 1775.

SIR,—I have the pleasure of acquainting you that I last evening received letters from Mr. Adams, wherein he informs me that the Congress are determined to support

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\* Wife of John Adams, second President of the United States. This letter and the one from Thomas Cushing, which immediately follows, will be found in 2 Proceedings, vol. viii. pp. 61, 62.—EDS.

the Massachusetts, that there is a good spirit among them, & that they have an amazing field of business before them; that it is extensive, complicated, and hazardous, but their unanimity is as great as before; that they have a number of new and ingenious members; that the military spirit which runs thro' the continent is truly amazing. The City of Philadelphia turns out 2000 men every day. Mr. Dickinson is a Col<sup>l</sup>; Mr. Reed a L<sup>t</sup> Col<sup>l</sup>; Mr. Mifflin a Major.

The bearer of one of the letters, Mr. Hall, is a Maryland gentleman, accompanied by his brother; gentlemen of independent fortunes, y<sup>e</sup> one a lawyer, the other a physician, and one of the best families in Maryland, and are come 500 miles as volunteers to the camp, where they intend to spend the season.

Please, Sir, to accept my most respectful regards to Mrs. Bowdoin, and ardent wishes for the restoration of your health, from your

humble servant.

ABIGAIL ADAMS.

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THOMAS CUSHING\* TO JAMES BOWDOIN.

PHILADELPHIA, June 21, 1775.

DEAR SIR,— You will doubtless have been informed that the Congress have unanimously appointed George Washington, Esq<sup>r</sup>, General & Commander in Chief of the American forces. I beg leave to recommend him to your respectful notice. He is a compleat gentleman. He is sensible, amiable, virtuous, modest, & brave. I promise myself that your acquaintance with him will afford you

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\* At that time one of the delegates to Congress from Massachusetts. He was born in Boston, March 24, 1725, graduated at Harvard College in 1744, and died Feb. 28, 1788. From 1767 to 1774 he was Speaker of the House of Representatives, and from 1779 until his death Lieutenant-Governor of Massachusetts. See Drake's Biographical Dictionary, p. 237.  
—EDS.

great pleasure, and I doubt not his agreeable behaviour & good conduct will give great satisfaction to our people of all denominations. General Lee accompanies him as Major General ; I hope his appointment will be agreeable to our people, & that he will be received with all due respect.

I am, with great regard,

Your most humble serv<sup>t</sup>.

THOMAS CUSHING.

THE HON<sup>BLE</sup> JAMES BOWDOIN, ESQ<sup>R</sup>.

RALPH IZARD\* TO JOHN TEMPLE.

WEYMOUTH, 2<sup>d</sup> Sept<sup>r</sup>, 1775.

DEAR SIR,—I am just favoured with your letter, & am sorry to find that G. is not in England, as I should have been glad of a little conversation with him. He will not be sent to any other place you may depend upon it ; his employers know how necessary it is to have him here. If you should hear of his return, pray let me know of it.† General Lee's letter is one of the best I ever read ; I have received great pleasure from it. His entering so heartily into the cause after taking a considerable time to think of it shews that he not only approves of it, but thinks it must be successful. His letter does him a great deal of honour, & if he can keep himself within bounds, he will do a great deal of good, & add much to his military reputation, which is already considerable.

\* Ralph Izard was born near Charleston, S. C., in 1742, and was educated at Cambridge, England. He afterward returned to America, and married a niece of Lieutenant-Governor De Lancey of New York. In 1771 he settled in London, but not long after the outbreak of hostilities between the mother country and the Colonies he went on the Continent. From December 1776 to July 1780 he was in the diplomatic service of Congress ; he then returned home, and subsequently filled various important offices. He died near Charleston, May 30, 1804. See Appleton's Cyclopædia of American Biography, vol. iii. p. 372.—EDS.

† The reference is presumably to General Gage, who did not, however, embark from Boston for England until about a month after the date of this letter. — EDs.

M<sup>r</sup> Burgoyne's answer is contemptible. He is of opinion that resistance is justifiable when the kingdom is under certain circumstances which he describes. The kingdom is most assuredly at this time under those circumstances, & yet he, in consequence of a royal mandate, is gone to oppose that resistance, &, if it is in his power, to render it ineffectual. He says that every American knows that he may get rid of taxation for ever. I wish he had been explicit & informed us how. He could not mean that we should get rid of taxation by accepting of L<sup>d</sup> North's proposition. I conceive that would be saddling ourselves with a perpetual tax. There are contradictions & absurdities in the letter. He will gain no credit by it as a writer, & his principles will offend both parties. The King, I am sure, will not be pleased with him for presuming to be of opinion that resistance is justifiable in any case whatever. Lee has shewn himself a wise man in declining the proposed interview.\* It would certainly have had the effect he mentions. Suspicion, or the least want of confidence, might prove fatal. You think that Boston will be attacked. I shudder at the thoughts of it, as it must necessarily occasion a prodigious effusion of blood. Should the attempt prove unsuccessful, the consequences may be fatal; but if they should succeed & the army be beaten & taken prisoners, there would soon be an end to the contest. M<sup>rs</sup> I. joins in complim<sup>ts</sup> to you & M<sup>rs</sup> T. We are sorry that we cannot see you here; but expect that pleasure at Bath, where, I believe, we shall go about the latter end of this month. Adieu.

I am, affectionately, your friend, &c.

I am sorry for Oliver's disappointment. You find his principles are good.

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\* For some account of the correspondence between General Lee and General Burgoyne, see Sparks's Life of Charles Lee in Sparks's American Biography, second series, vol. viii. pp. 82-86. The letters themselves are printed at length in Fonblanque's Episodes from the Life and Correspondence of the Right Hon. John Burgoyne, pp. 161-173. — EDS.

## JOSIAH QUINCY\* TO JAMES BOWDOIN.

BRAINTREE, October 1<sup>st</sup>, 1775.

DEAR SIR,—I have been interrupted with company all this evening, or this letter woud be much longer. It gave me sensible pleasure to hear you are growing better; and am much obliged for your kind regards transmitted by the bearer, who tells me he must return early in the morning.

Deacon Palmer, who came from Watertown this morning, tells me that a vessel from Quebec, loaded with wheat, flour, & live stock upon deck, is taken by one of our cruisers & carried into Salem; that an old officer in an intercepted letter to Gen<sup>l</sup> Gage informs him "that gov<sup>t</sup> must not expect any assistance from Canada this year, as Gen<sup>l</sup> Carlton dares not venture to muster the militia, least his orders for that purpose shou'd be disobeyed, for the poison of that d—d word *Liberty* has found its way into Canada, and spread like a pestilence in every part of it." A gent<sup>n</sup> of intelligence from Connecticut informs that Gen<sup>l</sup> Schuyler has sent out recruiting parties who had inlisted two thousand Canadians into the Continental service, and expected many more wou'd inlist; that one of the Livingston family, settled in or near Mount-real, has urged the General to march to St Johns as soon as possible, as he had engaged 300 men to cut off Gen<sup>l</sup> Carlton's retreat from thence to Montreal; that Gen<sup>l</sup> Washington had recommended to the Court to fit out a number of arm'd vessels to intercept supplies to Boston, which, he says, will be immediately complyed with.

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\* Josiah Quincy, commonly called Colonel Quincy, was born in Braintree in 1709, and graduated at Harvard College in 1728. Subsequently he was engaged in commerce and ship-building in Boston; but at about the age of forty-seven he retired to Braintree, where he continued to live until his death March 3, 1784. He took little part in public affairs, but was warmly attached to the American cause. See Josiah Quincy's Life of Josiah Quincy, Jr., pp. 3, 4; Edmund Quincy's Life of Josiah Quincy, pp. 4-17.—Eds.

You are obliged to M<sup>r</sup> E. Church for the inclosed newspaper. He brings me the melancholly news of his brother, Doct<sup>r</sup> Church, being taken into custody, yesterday afternoon, upon suspicion of holding a traitorous correspondence with the enemy. A letter in characters is intercep<sup>t</sup>ed, going by way of Rode Isl<sup>a</sup>, to Boston, directed to Major Cane, which he confesses he wrote, but says it was wrote to his bro<sup>r</sup> in law Flemming, & by his desire was directed to the Major. He says it contains only exaggerated acco<sup>ts</sup> of the formidable state of our army, and the probability of the Canadians' revolting to our side, and is in answer to a letter from Flemming to him, but upon his brother's asking him for a sight of that letter, he cou'd not tell what was become of it. I fear the suspicion of his guilt is but too well grounded.

There are perpetual desertions both from the army and navy. A boat with 7 seamen or marines from a man of war in Nantasket Road, being ordered with an officer to guard George's Isl<sup>a</sup>, bound the officer & run away with the boat to Hingham last night, & past thrô this town in their way to head quarters this morning. A large ship full of men, but no red coats visible, went into Boston yesterday. Her bottom, sides, & sails discovered a long passage. I suspect they are Highlanders from Scotland.

If your health will permit, I shou'd be much obliged for your sentiments upon the present flood of paper credit. I fear it will have a very ill effect upon our outstanding debts.

M<sup>rs</sup> Quincy & my dear daughters join in respectfull compliments to you & your good lady, and sincere wishes for the speedy restoration of your health, with, dear Sir,

Your most obt hum. serv<sup>t</sup>.

11 o'clock.

Jos<sup>a</sup> QUINCY.

P. S. Your obliging l<sup>r</sup> of 29<sup>th</sup> of August came safe to hand this day.

## JAMES BOWDOIN TO JOSIAH QUINCY.

MIDBORO, Oct<sup>o</sup> 3, 1775.

D<sup>r</sup> SIR,—I thank you for the intelligence contained in your obliging letter of y<sup>e</sup> 1<sup>st</sup> inst<sup>t</sup>. What relates to y<sup>e</sup> D<sup>r</sup> I was much surprized at, having entertained a high opinion of his principles as a patriot. I cannot but hope that on strict enquiry he will turn out an honest man, notwithstanding appearances to y<sup>e</sup> contrary. Rather than think otherwise, I have indulged a conjecture that to answer some political purposes with regard to y<sup>e</sup> enemy, the discovery of a traitorous correspondence is only pretended, in order that by subjecting him to apparent inconveniency on acc<sup>o</sup> of it, he might be y<sup>e</sup> better qualified to act y<sup>e</sup> part of a spy, if disposed to undertake in so hazardous a business. Or, may not his intercepted letter, though wrote in characters, be his vindication when the contents of it are certainly known? An excellent decypherer, if there be none nearer, may be found at Salem, I mean M<sup>r</sup> Oliver. I really wish it were sent to him, as I cannot but apprehend it would serve to clear the D<sup>r</sup> from the imputation of treachery, w<sup>th</sup> w<sup>ch</sup> it would give me great pain to find him justly chargeable. If it sh<sup>d</sup> turn out so, it is probably y<sup>e</sup> effect of ministerial bribery, in w<sup>ch</sup> case there is no room to doubt that the same poison has been and will be administered to others. I hope our state physicians will seasonably discover y<sup>e</sup> symptoms, so as to prevent a mortification, or any ill consequences, by an excision of the morbid and corrupt parts. In return for y<sup>e</sup> news communicated by y<sup>r</sup> letter I w<sup>d</sup> communicate some to you if I could. Whether y<sup>e</sup> following be such to you you can best tell. You have heard of Col<sup>o</sup> Gorham, the Nfld<sup>d</sup> Gov<sup>r</sup>s arrival lately at Boston from England. His business here I have been informed is to raise and comand a regiment of rangers

to distress his countrymen. My informant is one Clifford, who was pilot of y<sup>e</sup> ship of war (Cap<sup>t</sup> Price) in w<sup>ch</sup> M<sup>r</sup> Gorham came passenger, and arrived at Boston ab<sup>t</sup> 3 weeks ago. The pilot says he was told on board y<sup>e</sup> s<sup>d</sup> ship that M<sup>r</sup> Gorham was to command a regiment as above mentioned. This pilot was master of a vessel coming this way from Nfld<sup>d</sup>, and on George's Bank was pressed by Price into his service as pilot. He says he was informed at y<sup>e</sup> land that a great number of Irishmen, ab<sup>t</sup> 700, had been inlisted as rangers to serve ag<sup>st</sup> y<sup>e</sup> d<sup>d</sup> rebels of N. E. and supposes that these are for a part of Gorham's regiment. The ship you mention going into Boston full of men (not red coats) are probably part of them. He says further the commanding officers there have orders to seize all provisions and send them to Boston, which occasion<sup>d</sup> him to move off precipitately with his vessel soon after his arrival. Price had 12 weeks passage from Engl<sup>d</sup>, and when he was told y<sup>e</sup> situation of things here, he swore it was a d<sup>d</sup> lie. However, on his arrival at Boston, & finding y<sup>e</sup> truth of it, he told Gifford he w<sup>d</sup> not have come to America could he have known how matters were circumstanced, and that he had been assured he sh<sup>d</sup> find it in a state of perfect quietude, by w<sup>ch</sup> he doubtless meant a perfect subjugation to ministerial tyranny. Several men of war & transports are gone up y<sup>e</sup> Sound. In their way they put into Holmes's Hole, and by threatning to cannonade y<sup>e</sup> town forced y<sup>e</sup> inhabitants to give them a few sheep. He also cannonaded Tarpolin Cove, but without effect. They had taken, among others, a vessel of Col<sup>o</sup> Bowers from Jam<sup>a</sup> and a brig of Harry Bowers from y<sup>e</sup> same place with a valuable cargo. The latter got ashore on Eliz<sup>a</sup> Isl<sup>d</sup> and one of y<sup>e</sup> tenders came after her, but was so warmly rec<sup>d</sup> by y<sup>e</sup> c<sup>o</sup> station<sup>d</sup> there that she was oblig<sup>d</sup> to make off, and our people have since carried the brig safe into Dartm<sup>o</sup> with 6 or 8 prisoners. Paper credit we will make y<sup>e</sup> subject of our next conversation; in y<sup>e</sup> mean time be assured of

mine & M<sup>rs</sup> Bowdoin's most respectful regards to you & y<sup>r</sup> good lady & family, and believe me to be, w<sup>th</sup> great truth,  
Yrs. &c.\*

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JOSIAH QUINCY TO JAMES BOWDOIN.

BRAINTREE, Dec<sup>r</sup> 11<sup>th</sup>, 1775.

DEAR SIR,—Having tasted the pleasure of your friendly correspondence, I feel myself unhappy to see it thus long discontinued. Permit me therefore to renew it by transmitting to you and your good lady our cordial compliments of congratulation upon the safe return of your dear and only son from his travells. We shall rejoice to hear his health is restored & confirmed; and that the advantages he has reaped are equal to the opportunities he has had of seeing and conversing with such a great variety of characters and the innumerable objects that must have come under his observation during his absence abroad. Had Infinite Wisdom been pleased to grant me the pleasure of embracing such a dear object, I also should have experienced the heart-felt joy which is your happy lot, & beyond discription; but it was otherwise ordered by our universal parent, to whose will without repining I humbly endeavor to submit.†

I quite long to see and converse with you upon our *new measure of commerce* established by law in all cases whatsoever upon the severest penalties. Quere: whether such a law will not operate as injuriously as *another* that has been, and still is, so zealously combatted? Pray be so good as to come converse with me, or write to me upon the interesting subject. It wou'd be but an amusement

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\* For a letter from Samuel Adams to James Bowdoin, dated Philadelphia, Nov. 16, 1775, with Bowdoin's answer, see Proceedings, vol. xii. pp. 226-228. For a letter from Bowdoin to Thomas Cushing, dated Dec. 9, 1775, incidentally giving some account of General Washington, see 2 Proceedings, vol. viii. p. 289.—EDS.

† Josiah Quincy, Jr., died within sight of land, on his voyage home from England, April 26, 1775.—EDS.

to the young gentleman, your son, to be the bearer of a letter to Braintree, pay a visit of a day or two to head quarters, and return with a pocket full of news. I own I am a little selfish in such a suggestion, as in such a case I may hope for a history of his travels.

It is a grateful sense of the faithfull services of my black female servant that prompts me to take the freedom of begging you would be so good as to enquire of Col<sup>o</sup> Sprout in your neighbourhood whether he knows anything of a negro man named Sharper (belonging to Mr Enoch Brown) who is husband to said servant & it's said lives w<sup>th</sup> the Col<sup>o</sup>. She has not seen or heard from him these two months, and after diligent enquiry can't learn whether he is alive or dead. If you shou'd hear of him, & that he is coming here, please to let us have the pleasure knowing how you all do, and that you have not forgot a family that has, and will always rejoice to receive your friendly visits. I am, most respectfully,

Your faithfull & affec<sup>te</sup> serv<sup>t</sup>.

Jos<sup>A</sup>. QUINCY.

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JAMES BOWDOIN TO JOSIAH QUINCY.

MIDDLEBORÓ, Dec<sup>r</sup> 16, 1775.

DEAR SIR, — About a week after parting with y<sup>e</sup> agreeable company that were so politely entertained at your house my disorder returned upon me with great violence, and thô abated still continues to such a degree that I can only acknowledge y<sup>e</sup> rec<sup>t</sup> of your kind letter of y<sup>e</sup> 11<sup>th</sup>. I thank you for your congratulations on y<sup>e</sup> arrival of my son, who last week went to head quarters to see y<sup>e</sup> gentry there, and is not yet returned. The next tour he will do himself y<sup>e</sup> pleasure to wait on you agreeable to your obliging invitation. Col<sup>o</sup> Sprout came to see me yesterday. He tells me Sharper, y<sup>e</sup> person you enquire about,

has been a considerable time on a trading journey to Dartmouth & the neighbouring towns, from whence he returned a few days ago, and he thinks has since proceeded to y<sup>e</sup> camp at Cambridge. I wish you and your good lady would give us y<sup>e</sup> pleasure of a visit, and then we will discuss y<sup>e</sup> subject you mention. Mine and M<sup>rs</sup> Bowdoin's best regards wait on you and her and y<sup>e</sup> agreeable branches of your family. I am, dear Sir,

Y<sup>r</sup> most obed. hble. serv<sup>t</sup>.

J. B.

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ROBERT PIERPONT\* TO JAMES BOWDOIN.

ROXBURY, March 5<sup>th</sup>, 1776.

DEAR SIR,— In answer to your request, would let you know our people began to cannonaed the inemey at 8 o'clock last night from Cobbel Hill. This I tack was to divert them whilst we tuck possetion of Dorchester Hiths on the Neck ; and it answerd the purpos very well, for alltho the enemy cept a hevey fier all night, yet never turnd it on our grate interprize, for we had 380 teams imployed to carey on the neserys, and such a set of works prepaierd as I bleve has astonished our inemyes to a grate deggree. For the transports which lay at Nantasket are cuming up, and as they waier wooded and watred, and all feeted with dubbel berths, I congeter thay are going to imbark. We cannot learn what damag we have dun them, but suppose sum, as thayer was much screeching heard when our shell thundred through the

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\* On the back of this letter is a copy, or the original, in Bowdoin's handwriting, of a letter from him, dated Middleborough, Monday evening, March 4, in which he says: "Being much unwell, which obliges me to keep at home, and being greatly anxious to know the event of the attack on Boston, and how it is conducted, I have sent the bearer to get the best intelligence he can; and I shall esteem myself much obliged to you if you will favour me with a few lines containing the fullest account of it, and what has happened in consequence of it, so far as hath come to your knowlege." Lieutenant Robert Pierpont, presumably the writer of this letter, was a person of consideration and influence in Roxbury. See Drake's Town of Roxbury, pp. 29, 30, 82, 327.—Eds.

sentuer of the town. We have rec<sup>d</sup> no grate dameg. God has again woonderfuley apeard for his peepel. To him let us render our gratefull thanks. We have now 3000 men in hey sperits, well fortifyd on the hills on Dorchester Neck. Thayer was one man kill<sup>a</sup> & 5 wounded on Cobbel Hill; one badley wounded on our side. Am sorey to hear of your indesposeton of body; hope I shall sun have the plesuer to hear you are in the ingeoyment of a good state of helth; in the mean time remain

Your frind & hu. ser<sup>t</sup>.

R. PIERPONT.

P.S. The ingenear brackfasted with me this morning, sath our peepel are well preparerd and wishing for a seley from the enemy, which I think, if ever, will be at 11 o'clock this day, as the tide will then sute.

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JOSIAH QUINCY TO JAMES BOWDOIN.

BRAINTREE, March 13<sup>th</sup>, 1776.

DEAR SIR, — The bearer waiting upon you sooner than I expected, and the present critical situation of our military affairs, will, I hope, excuse my postponing an answer to your friendly and obliging letter of the 29<sup>th</sup> of January last.\* I have often revised and contemplated the affecting sentiments it contains. They treat upon a subject of the last importance to creatures of our rank in the scale of beings, and should be glad to communicate to you the impression they have made upon my mind. But at present, I doubt not, it will be more entertaining to give you, as far as I am able, an account of our late military manœuvres.

On Saturday, the 2<sup>d</sup> inst<sup>t</sup>, about half after 10 clock in

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\* The letter referred to is printed in Quincy's Memoir of Josiah Quincy, Jr., pp. 484-487.—EDS.

the evening, our army began to cannonade the town from Roxbury, which was immediately returned with redoubled vengeance from the lines upon the Neck. Upon this the firing commenced from every battery of ours round the town and from those of our enemies in it, during which upwards of 300 teams loaded with facines, frames for barracks, &c<sup>a</sup>, escorted by 2 or 3,000 troops, passed undiscovered and even unsuspected over to Dorchester Neck, and there entrenched themselves upon the two highest hills, of which works the next morning we had a most delightfull prospect from the top of my house. The successfull opening of this scene, and the smiles of Providence upon our labour by such remarkable fine weather, excited in my mind sentiments of gratitude which you will better understand than I can express.

The next morning a number of large transports which winter'd in Nantasket Road got under sail & went up to town. There was little or no firing in the daytime, but the cannonading began again all round the two succeeding nights, very moderately on our side, but with all the fury of disappointed malice on the part of our enemies. One of their bombs was thrown within a third of a mile from the College. We had two men killed, and one or two wounded. The legs of 6 men were taken off by a ball from one of our cannon, many wounded, and great damage done by our bombs to the houses in Boston.

Between one & two o'clock on Wednesday morning we were alarmed by an express from Gen<sup>l</sup> Washington, informing me that a number of vessels with troops on board fell down the preceeding afternoon, & desiring to be immediately informed if they shou'd make an attempt upon our shores. From Tuesday morning the firing ceased on both sides. On Saturday in the afternoon a quantity of facenes were carted to Nuke Hill (so called) directly opposite to the fortification, in open

view of the enemy ; and in the evening a few foolhardy unfortunate wretches went & kindled a fire upon the top of the hill. This insult provoked the enemy beyond all bearing, which they discovered by firing some heavy cannon on Wheeler's Point, which obliged our men to retreat on the other side of the hill, where they were soon fired upon from the block house upon the Neck, & 4 of them shot dead on the spot. The firing from different batteries was incessant the whole night ; many hundred balls were picked up by our men the next day, but don't hear of any further damage done on either side. On Sunday near 30 large transports fell down below the Castle, all of them deep loaded (supposed) with military stores & Boston plunder. Sunday night no cannonading, of w<sup>ch</sup> our troops took the advantage, and opened a battery on a small hill nearer the town, & planted therein two heavy cannon. This occasioned a warm fire, both from their batteries and ours. From the last mentioned battery the enemy's shipping in all probability suffered, for yesterday the Admiral's ship & near 40 sail of vessels, great & small, some men-of-war, but chiefly transports, fell down, some to King's Road, & the rest to Nantasket Road.

This morning we were visited by Miss Unice Paine, who was so kind as to let me copy an extract from a letter she rec'd from Watertown the last evening, which is annexed hereto, and will probably be more entertaining than all I have wrote above, as it comes more directly from the fountain of intelligence. However, I beg your acceptance of the whole as a testimony of the esteem and affection with which I am

Your faithfull humble servant.

Jos<sup>A</sup> QUINCY.

P. S. M<sup>rs</sup> Quincy & M<sup>rs</sup> Lincoln join me in respectfull regards to you, your lady, & good family.

Mar. 10<sup>th</sup>. Mr Murray,\* a clergyman din'd with the General yesterday, and was present at the examination of a deserter, who upon oath says that 5 or 600 troops embarked the night before without any order or regularity; the baggage was hurried on board without an inventory; that he himself helped the General's baggage on board, and that two hospital ships were filled with sick soldiers, and the utmost horror and confusion amongst them all. The General rec'd a l<sup>r</sup> from the select-men informing him that in the midst of their confusion they apply'd to Mr Howe, who told them that if Mr Washington woud order a cessation of arms, and engage not to molest him in his embarkation, he woud leave the town without injuring it; otherwise he would set it on fire. To which the General replied that there was nothing in the application binding on Mr Howe. He therefore could not take any notice of it.

The deserter further says, that Mr Howe went upon a hill in Boston the morning after our people took possession of Dorchester Neck, when he made this exclamation: "Good God! These fellows have done more work in one night than I could have made my army do in 3 months. What shall I do!"

JAMES BOWDOIN, Esq<sup>R</sup>.

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JAMES BOWDOIN TO MERCY WARREN.†

MIDDLEBORO, March 23, 1776.

I perfectly agree with you, dr Madam, that G. Brittain is in a disgraceful situation, not only with regard to what you have with great propriety instanced in, but also in

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\* Rev. John Murray, chaplain of a Rhode Island regiment. See 2 Proceedings, vol. ix. p. 69. — Eds.

† Daughter of Col. James Otis, wife of Gen. James Warren, and author of a History of the American Revolution. She was born in Barnstable, Sept. 25, 1728, and died in Plymouth, Oct. 19, 1814. — Eds.

her sending Commissioners to treat with those she calls Rebels. These Commissioners are probably by this time arrived at Phil<sup>a</sup>, but how they can introduce with a good grace the errand they are come upon is difficult to conjecture. We are told they will not have any thing to do with the Congress, but will treat with the Colonies separately. If this be their plan, it requires no great share of the prophetic spirit to foretell they will not be able to execute it, for it is not likely that any of the united Colonies will enter into a seperate treaty with them, but undoubtedly refer them to the Congress, which represents the whole, and which for many reasons is the only suitable body to negociate with them. The ministry have hitherto refused to acknowledge that body as the representative of the Colonies, and do not allow that the Colonies conjointly can legally be represented at all; and from hence, and also from the hope of gaining advantages by seperate treaties, proceeds the disinclination to treat with the Congress. But it appears likely they must bring their stomachs to it, if they mean to do any thing in a way of negociation. The Commissioners have undoubtedly a discretionary power to act according as they find things circumstanced ; and when they are informed of the disgraceful precipitate flight of their troops from Boston, the firmness & intirety of the union of the Colonies and their preparedness & capacity to defend themselves, and therefore that the British troops can make no great impression, they will condescend, I imagine, to treat with the Congress. But if you should ask, Mad<sup>m</sup>, how will the Congress conduct upon this occasion ? my answer is, extremely well ; for it is manifest by their proceedings hitherto they are good politicians, & have requisites for negociation, — good sense, historical knowledge, and integrity. The two former of these will secure them from imposition and circumvention. and the latter, I trust, from bribery & corruption. If they are not cor-

ruptible, we need not be distressed about the issue of the negociation. But as ministry are said to be compleat adepts in the practice & arts of bribery, it is highly probable those they employ on so interesting & important an occasion are not less so, and come amply provided from the national coffers with the means of it. They are therefore in an especial manner to be guarded against in that view. If a treaty should be entered upon, I apprehend it cannot be done with dignity & propriety on the part of America before the whole British armament, both by sea and land, depart from America ; and this ought to be insisted on as an essential preliminary to the negotia-  
tion. In this idea some Europeans do, & all Americans should, concur.

As to the treaty itself, in order to be lasting it must be founded on meer interest, the mutual interest of the parties ; the free discussion & settlement of which imply mutual independance, without which it is in vain to expect they can take place. In order to such a discussion and settlement, does it not seem necessary on our part there should be a declaration of independance on Great Britain, and without such a declaration must not the Congress enter upon the treaty with great disadvantage ? as their silence upon that head will be construed to imply an acknowledgment that the interests of America are to be considered as subordinate to those of G. Britain, and to be regarded no farther than they have a tendency to promote her interests. Divers objections may be made against such a declaration, but I would refer the objector to that excellent pamphlet intitled "Common Sense," which, if he is not influenced by private interest & attachment, will probably silence all his objections, and disciple him to the author's doctrine, that an independance on G. Britain has now become absolutely necessary to the well-being of the Colonies. Thus, Mad<sup>m</sup>, in obedience to your command, for such I esteem the most distant inti-

mation of your pleasure, I have given you some crude thoughts on the subject of the expected negociation. I wish they were intitled to the approbation of so good a judge in politics. Such as they are, I beg leave to submit them to your candour, & am, with the greatest esteem, Mad<sup>m</sup>,

Your most ob<sup>dt</sup> & very hble. serv<sup>t</sup>.

We all present our best regards to you & your good gentleman, who, we hope, is perfectly recovered. The report of my d'r's arrival is not true.

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JAMES BOWDOIN TO BENJAMIN FRANKLIN.

BOSTON Aug<sup>st</sup> 19<sup>th</sup> 1776.

DEAR SIR, — I rec<sup>d</sup> T<sup>r</sup> M<sup>r</sup> Gerry a packet from you containing a Russian book on Comets, and Vattel's Droit des Gens.

The former agreeable to your desire I have sent to M<sup>r</sup> Oliver at Salem together with your billet. The latter when I have looked over it I shall send to the President of Harvard College as a present to the Library from you. D<sup>r</sup> Cooper shewed me your letter to Lord Howe & his L<sup>d</sup>ship's to you w<sup>ch</sup> occasioned it. It gave me great pleasure, as it has all that have seen it. His L<sup>d</sup>ship's sensibility must be touched with some parts of it, unless Court-manners and Court-politics have benumbed it. Some persons think they see a treaty of commerce growing out of this correspondence with L<sup>d</sup> Howe, and that he will take hold of the opportunity you give him of treating with Congress on that head. But from y<sup>e</sup> act of Parliam<sup>t</sup> authorizing y<sup>e</sup> King to appoint Com<sup>rs</sup> and from L<sup>d</sup> Howe's circular letter & declaration grounded upon it, it seems very unlikely ; especially as ministry appear very confident of success in their military manœuvres, and have declared by y<sup>e</sup> King's

Speech at the late prorogation of Parliam<sup>t</sup> that the force in America with y<sup>e</sup> blessing of Providence will be sufficient to quell the Rebels. Can you, my d<sup>r</sup> friend, with all your philosophical gravity refrain a smile when you hear such men talk of a dependence on Providence?

As the enemy have by this time collected all the force designed against New York, it is probable we shall soon hear of a general attack. By what we learn here of the number and state of our troops, we have reason to hope it will be an unsuccessful one. But it is proper to provide against the worst that may happen. If nothing decisive should take place before y<sup>e</sup> first of Dec<sup>r</sup>. I am under great concern lest the Continental troops (whose enlistments expire at that time) or a great proportion of them will then quit the service. The reinlistment last year you know was attended with great difficulty, and I am afraid it will be with much greater the present. But as this is a matter of capital importance, there's no doubt Congress will early take effectual care about it. As y<sup>e</sup> giving great bounties to inlist men for a short time cannot be supported long, we must fall upon some other method of raising them. For this purpose, would it do to form the militia in each town into four or five divisions, as equal as may be as to number and circumstances, and require the personal service yearly of one of these divisions, they casting lots to determine the order or succession of their service? If any individuals in the division called to duty, could not attend, they should be obliged to procure able bodied men (voluntiers) in their stead, which the other divisions could supply. Such voluntiers having rec<sup>d</sup> an equivalent for this extra-service not to be excused on that acc<sup>o</sup> from duty when called upon with the division they belong to. Or would it do to give a handsome bounty once for all of money or land, on condition of enlisting for as long a time as the war shall continue? This last method is liable to an objec-

tion from desertions, deaths, & other casualties, in which cases every campaign would make recruits and further bounties necessary. I hope some effectual way will be found to procure men to engage in y<sup>e</sup> service during the war.

I am glad to find that notwithstanding your countrymen have had so many good slices of you for these forty years past, there's enough remaining of you to afford them good picking still. Notwithstanding the past regales they still expect to feast upon you, and to feast as usual most deliciously. "Like beggars once indulged they ask for more."

I am my dear friend, with the sincerest regard,

Y<sup>r</sup> affection<sup>t</sup> hble. serv<sup>t</sup>.

J. B.

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JAMES BOWDOIN TO THE COUNCIL AND HOUSE OF  
REPRESENTATIVES.

TO THE HON<sup>BLE</sup> THE COUNCIL & HOUSE OF REPRESENTATIVES OF THE  
STATE OF MASSACHUSETTS BAY.

MIDDLEBOROUGH, May 16, 1777.

HON<sup>BLE</sup> GENT<sup>N</sup>, — On the re-settlement of the government two years ago, when I had the honour of being again chosen a member of the Council, I thought it my duty, thô in a very ill state of health, to accept the choice. I was induced to this, not only from a hope of restoration and being thereby in a capacity of attending the business of that important trust, but more especially from a desire, at so critical a juncture, of co-operating with the friends of American liberty in the most effectual measures for its defence & support. I wish my health had permitted a more constant attendance for that purpose, and that it would permit my attendance in future; but as I find this is not the case at present, nor likely to be so, I am under a necessity from a principle of faithfulness to my country,

whose salvation & prosperity are the objects of my warmest wishes, of resigning my seat at the Board, and to beg the favour of the Hon<sup>ble</sup> the Council & House of Representatives to supply it with another person.

In the mean time it is, and will be, my ardent prayer that the Sovereign Arbitrator of the fate of nations may succeed your endeavours, and the endeavours of the United States, to establish the common liberty on the most permanent basis.

I have the honour to be with the most profound respect,  
hon<sup>ble</sup> gent<sup>n</sup>,

Y<sup>r</sup> most obed. hble. serv<sup>t</sup>.

JAMES BOWDOIN

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JOSEPH WARD\* TO JAMES BOWDOIN.

MORRISTOWN, May 28<sup>th</sup>, 1777.

SIR,—As you may be retired to your country seat, out of the way of the best intelligence, I do myself the honour to inform you of the movements in this quarter, although nothing important hath yet taken place. Our army has been collecting for some days from all the remote detachments and outposts, and forming an encampment near a river called Bound Brook, about six miles from the enemy's lines. General Washington, with the troops which yet remain here, will set off this day for the encampment at Bound Brook. It is uncertain when any capital attack will take place, as many of the troops are undisciplined,

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\* Col. Joseph Ward was the second son of Deacon Joseph Ward, of Newton, and was born July 2, 1737. On the formation of the army around Boston, after the skirmishes at Lexington and Concord, Gen. Ward appointed him secretary and aide-de-camp. He was afterward made Mustermaster General by Washington; and in the latter part of 1778 he was taken prisoner by the British. He was exchanged in April, 1779, and rejoined the army, continuing in the service until Feb., 1780, when he settled in Boston. Subsequently he married and removed to Newton, which he represented in the General Court. In 1804 he returned to Boston, where he died Feb. 14, 1812. Before the breaking out of hostilities he was a frequent and spirited contributor to the newspapers. See A. H. Ward's "Ward Family," pp. 60-62.—EDS.

and the number not so great as the General would wish for. I cannot determine precisely the number now in camp, as it varies every day, but suppose it does not exceed eleven thousand. If no general attack is made, I expect now the armies are so near that we shall have frequent skirmishes. Last Sunday a party of the enemy, about six hundred, advanced from their lines towards a scouting party of ours, and were attacked by two or three hundred of our men and driven back to their own lines with the loss of several men, among which, it is said, was a Colonel. We had only three men slightly wounded. We have frequent accounts from the enemy's camp by deserters; it appears that they have some apprehensions of danger, as they are fortifying their posts at Brunswick and Amboy; and from all circumstances I apprehend they are waiting for a reinforcement, and do not intend to hazard any thing great until that arrives. It seems probable that part of their troops in Canada will be ordered to reinforce General Howe, and the expedition against Ticonderoga laid aside for this campaign. As General Howe will want all the troops as a reinforcement to him that the British tyrant can furnish, I conceive there is very little danger of Boston's being disturbed by Burgoyne.\*

It must give pain to every good mind that our army has been so slow in forming. We ought before this hour to have driven the enemy out of the Jersies; and I am sure it must wound the patriotic feelings of every worthy son of America that it has not been done. The General has doubtless been anxious to accomplish this great design, but he has not been furnished with men in due time. As he has now a respectable force (and delays we have ever found attended with misfortune) it is my humble opinion that we may attack the enemy soon with a good prospect

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\* For some account of a letter of introduction brought by Burgoyne to Bowdoin, in 1775, see Proceedings, vol. xiv. pp. 232, 233.—Eds.

of success, and my wish that it may be attempted. In war we cannot have a chance for great advantage without the risque of loss; and I hope American minds are now too firm to be greatly affected by the loss of a battle, if Providence should permit the tools of tyranny for once to prevail. Our men are in general healthful and in good spirits, and I persuade myself they will behave with spirit whenever they may be called to action. If the enemy should not have a large reinforcement this campaign, I think we shall have a good chance to drive them out of these United States before another winter. I have the honour to be, Sir,

Your most obedient humble servant.

JOSEPH WARD.

THE HONORABLE JAMES BOWDOIN, Esq<sup>r</sup>.

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JAMES BOWDOIN TO ARTHUR ST. CLAIR.\*

MIDDLEBORO, June 20, 1777.

SIR,— M<sup>r</sup>s Bowd<sup>n</sup> & I have just had the honour of your two letters of the 28<sup>th</sup> ult<sup>o</sup> and are extremely glad to hear M<sup>r</sup>s S<sup>t</sup> Clair and y<sup>r</sup> family were well when you left them. We find the letters were intended to be deliv<sup>d</sup> by the hand of your daughter Miss Betsy but that pleasure we were deprived of by our having removed from Boston to this place, to which we retired soon after the memorable 19<sup>th</sup> of April; and have been here for the most part ever since, excepting some months since y<sup>e</sup> departure of the

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\* Major General Arthur St. Clair was born in Scotland in 1734, and died at Greensburg, Penn., Aug. 31, 1818. He came to America as an officer in the British army in 1758, and in 1760 married at Boston Phebe Bayard, a niece of James Bowdoin. Two years later he resigned his commission in the army, and in 1764 settled in Pennsylvania. On the breaking out of the war he was made a Brigadier General in the American army, and served in various capacities until the conclusion of peace. He afterward filled important civil offices, and from 1788 to 1802 he was Governor of the Northwest Territory, during which period he experienced a memorable defeat by the Indians. (See Drake's Biographical Dictionary, pp. 792, 793.) For a long letter from St. Clair to Bowdoin, dated July 28, 1777, see Proceedings, vol. vi. pp. 356-358. — EDS.

enemy from Boston. My ill state of health has obliged me to quit public business; but I hope y<sup>s</sup> relaxation and the balsamic air of the country in this fine season of the year will contribute to my restoration. In this situation it is not in our power to be advising in y<sup>e</sup> education of your daughter, which otherwise agreeable to your desire, we sh<sup>d</sup> have been with great pleasure; at least M<sup>rs</sup> Bowdoin, who is much the best qualified for such a purpose, would have given her best advice in it.\* I am very glad to hear Gen<sup>l</sup> Washington's army is likely to be in so respectable a condition. It is very unfortunate that y<sup>e</sup> several States could not furnish their quotas of the army earlier, in which case Gen<sup>l</sup> Washington might have driven y<sup>e</sup> enemy before this time from y<sup>e</sup> Jerseys & New York; and convinced them, that, although they can obtain a temporary lodgment on the sea coast, they cannot make a very deep penetration into the country.

We have been very anxious for Ticonderoga, but by the last accounts from thence, things seam<sup>d</sup> to be so well situated there, that an attack was not dreaded. If any thing extraordinary should take place, I sh<sup>d</sup> be very glad to be favoured with your acc<sup>o</sup> of it. Whenever the service will permit, it will give us great pleasure to see you at Middleborō. It is said Gen<sup>l</sup> Gates is to command at Ticonderoga. I beg you would present my respectful compl<sup>ts</sup> to him.

I am with great respect.

Sr, yrs. &c.

BRIGAD<sup>R</sup> GEN<sup>L</sup> ST. CLAIR.

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\* Under date of May 28th, General St. Clair wrote to both Mr. and Mrs. Bowdoin, with regard to sending his daughter to Boston "for some improvement in her education," and desiring to place her under the general oversight of Mrs. Bowdoin. To Mrs. Bowdoin he wrote, — "I shall esteem it as the greatest favour you can possibly do me to advise her to a proper place to lodge at, where there is a decent economy in the family, without much noise or brawling at servants, which is an example young people very easily take up, as indeed they do insensibly the manners of those they are with, be they good or bad. I could wish her to receive such an education as might render her useful to her family, should she ever be mistress of one, and that might enable her to keep herself in countenance in whatever walk of life her fortune may throw her." — Eds.

ARTHUR ST. CLAIR TO JAMES BOWDOIN.

MANCHESTER, July 9<sup>th</sup>, 1777.

DEAR SIR,—I have just time to acknowledge receipt of your obliging letter of the 20<sup>th</sup> ult<sup>o</sup>, which came to hand this moment. As the evacuating Tyconderoga must have alarmed the country, and raised their curiosity at the same time, permit me to give you some account of that matter, with the reasons that induced me to propose it to the other general officers.

The garrison consisted of about thirty-three hundred men, of whom two thousand and eighty-nine only were fit for duty, many of those mere boys altogether incapable of sustaining the fatigues of a soldier, naked and ill armed, not above one bayonet to every tenth man. The place nearly invested and their batteries compleated; and from the intelligence of my spies the investiture was to be compleated on Sunday last, the day we left it, when all possibility of retreat or support would be cut off. The loss of this army, small as it is, was the inevitable consequence, and would have been a very great misfortune, much greater in my opinion than the loss of the post, as there would have been nothing left for the militia to collect to in this quarter to stop the progress of an enemy flush'd with conquest. I therefore determined to attempt a retreat whilst it was practicable, but previously consulted the other general officers, who were unanimously of opinion that it ought to be attempted without loss of time. We accordingly prepared for it that night, and, having in the course of the night embarked as many of our stores and provisions as possible, marched off at break of day. We should have got off altogether unperceived by the enemy, had it not been for the accidental burning of a house and the desertion of two men of the artillery who in the hurry went off with a small boat to the enemy. The

rear of our army evacuated Mount Independence as the front of the enemy entered ; they exchanged a few shot, but did not offer to pursue, which I ascribe to their being the Brunswickers that took possession. A considerable body, however, were sent up a creek that enters some distance into the country, who next morning attacked our rear guard. They defended themselves very well, and tho' obliged to retreat killed and wounded a great many of the enemy, since which we have seen nothing of them. My design was to have marched to Skeensborough, but the enemy had got before me, which obliged me to change my route, and bear this way on account of provisions, which I shall be able to obtain tomorrow, when I shall proceed with every possible dispatch to join General Schuyler at Fort Edward, where I hope we shall soon have an army of force sufficient to stop the progress of Mr Burgoyne.

I am very sorry that any cause should have obliged you to retire from public business, but more especially ill health. I heartily hope and wish that the country air may restore you.

M<sup>r</sup>s Bowdoin will have some reason to think me not very polite to write you so long a letter to you, and take no notice of hers. I really have not time, but must beg the favour that you will make my excuse and present my most respectful compliments, and assure her I shall make amends the moment I can be settled. I am, with great respect, dear Sir,

Your most obedient humble servant.

A<sup>r</sup>. S<sup>t</sup>. CLAIR.

The force of the enemy is seven British regiments, eight foreign ones, and a number of Indians and Canadians ; on the whole I think myself very happy to made my retreat under their nose.

THE HONORABLE JAMES BOWDOIN, Esq<sup>r</sup>.

## JOSEPH WARD TO JAMES BOWDOIN.

HEAD QUARTERS, November 12<sup>th</sup>, 1777.

SIR,—I have been long waiting for the defeat of the British army, that I might have something to communicate worthy your notice, but the wished for event is yet to come. By acting too much on the defensive (in my humble opinion) we have lost the fairest prospect of success and the best opportunity for defeating the British army. Had we attacked the enemy before they advanced twenty miles into the country, it is probable they never would have seen Philadelphia; but by attempting to defend the numerous fords over the River Brandywine we were obliged to divide our force, which gave them an opportunity to attack part of our troops with the main body of theirs, which circumstance occasioned our defeat. The enemy being detained several days to dispose of their wounded men, General Washington in the mean time retreated over the River Schuylkill, and prepared his army for another action. On the fifteenth of September we recrossed the Schuylkill and moved towards the enemy, who were on their march for the city; the next morning our army advanced to give them battle, the advanced parties engaged, but before the main body came up a heavy rain fell, which soon put an end to all firing. The two armies lay at a small distance from each other the remainder of the day and the following night. The storm continued very severe until the morning of the next day, and great part of our troops were exposed without cover; our tents and baggage were left behind that the army might not be encumbered, by which means great part of our cartridges were wet and unfit for action. This misfortune defeated the General's design, and also obliged him to remain inactive until he could supply the loss of ammunition, and recruit the health and vigour of

the troops, for they suffered greatly by the storm. Before these could be effected, and the necessary dispositions made for a general battle, the enemy arrived at Philadelphia. After this event the General had no other choice but to reinforce his army and attack the enemy in their camp, he therefore ordered great part of the troops from Peekskills to join him, and such of the militia as could be collected; but before they had all arrived (one brigade from Peekskills and part of the militia had joined the army) proper dispositions being made for the attack, the army moved on the evening of the third of October to attack General Howe in his encampment at Germantown. We arrived at the enemy's lines half an hour after five o'clock in the morning, the action immediately ensued; our troops behaved with spirit and every thing gave way before us; for more than an hour we had a bright prospect of success, and began to anticipate a glorious triumph. But a thick fog together with the smoke rendered it so dark our Generals could not so well improve the decisive advantages they had gained, by reinforcing where we were too weak and pushing the enemy with more vigour where necessary; by which means the enemy had too much time to recover from their surprize and disorder, and our troops were exposed to get into disorder and to other fatal accidents. To this cause may be attributed our failing in the enterprize. I suppose you have seen an account of this affair published by authority, and therefore it is unnecessary to be more particular. Notwithstanding we left the field in possession of the enemy and did not reap the full harvest of victory, yet important advantages will, I trust, accrue from the enterprize. It proved to our enemies the spirit and force of our troops; it proved to ourselves that the boasted discipline and valour of the British heroes will all give way when charged home with determined bravery. It has refuted the false notion which too many entertained, that failing

in a general battle would ruin us (for we have failed of victory in two general actions, and have notwithstanding upon the whole been, I conceive, gainers by the actions), and it demonstrates to the sullen tyrant of Britain and his minions the impracticability of executing their designs without a vast augmentation of their forces. By this action we reduced them within a single point of ruin, and a mere casualty saved them from destruction ; and as we may repeat the attempt without hazarding the loss of our country, the chance is against them almost to a certainty of ruin. As our army received a reinforcement from Peekskills soon after the battle at Germantown, I expected another general attack would have been made very soon, and, I conceive it was the design of the General, but for certain reasons it was delayed.

The twenty-fourth of October was a day big with designs. A detachment of the British army, consisting of about two thousand men, was posted on the west side of the Schuylkill, opposite to their main army (which now lies two or three miles from the city) in order to throw up works to secure a retreat, and to command the neighbouring country to get provisions ; General Washington detached General M<sup>c</sup>Dougall with about four thousand men to cut off that body of the enemy ; our troops crossed the Schuylkill fifteen miles above the enemy the preceding day, marched down in the night and intended to surprize the enemy's camp at day break, but by some means they had intelligence of the design, and decamped before our troops arrived. They left marks of great precipitation in their retreat over the river to their main army, and destroyed the bridge which they had before erected to prevent our troops from pursuing. General M<sup>c</sup>Dougall burnt their encampment and returned. Had his design succeeded, an attack would have been made at the same time upon General Howe's encampment ; for this purpose two grand divisions of our army under the command of

Generals Sullivan and Greene marched the same night to Germantown (the enemy having evacuated it previous to this time) and lay within a small distance of the enemy's lines, waiting for Gen<sup>l</sup> M<sup>c</sup>Dougall to begin his attack, which was to be immediately seconded by an attack upon Gen<sup>l</sup> Howe; but for the reason above mentioned this well formed design failed, and our troops returned without accomplishing their wishes. However, our labour was not wholly lost, for such designs keep up a spirit of enterprize in the army and preserve the vigour of the troops; for they impress the idea of our spirit and power, and that a mere casualty which no human wisdom could foresee was the only cause of disappointment, which circumstance will not often happen. If General M<sup>c</sup>Dougall had succeeded in cutting off that detachment of the British army, as undoubtedly he would if no intelligence had been given them, General Howe would have been reduced to the inevitable necessity of retreating to his ships and reembarking.

As I am happy in believing the day is coming when we shall triumph over the unfeeling murderers of our country, I wait with more patience for its arrival.

On the same day the enterprize I have been relating was to have been executed the enemy attempted to take Fort Mercer (one of the fortresses that commands the River Delaware below the city) by storm. Count Donop, with about fifteen hundred foreign troops, was to have the honor of this enterprize; he advanced near to the fort, and sent in a summons to the commanding officer (Col. Greene, of Rhode Island, who had about four hundred men in the garrison) to surrender, which being answered with proper spirit, Count Donop immediately attempted the fort by storm, but was repulsed with the loss of about five hundred men, killed and wounded. Himself, with many other officers, was left wounded on the field, and is since dead. Our loss was very small,

said to be twenty or thirty. Upwards of three hundred stand of arms, many swords and other accoutrements were left on the field and fell into our hands.

To facilitate Count Donop's operations several men-of-war came up the river, and cannonaded the fort; the fire was returned with great spirit from the fort in consort with our row gallies; by some means, at present not fully ascertained, the Augusta man-of-war, of 64 guns, took fire, and after burning some time blew up; the other ships were obliged to sheer off, and in going down a frigate got aground and the enemy burnt her to prevent her falling into our hands. Thus ended this memorable day, the events of which strengthen my hopes that we shall keep the command of the river, which must greatly embarrass the enemy, and render their situation critical and precarious. If General Howe finds it impracticable to reduce our forts, I think it is probable he may evacuate Philadelphia and return to New York; if he continues, it is most certainly the duty and interest of America to reduce him at all hazards, as his fall would be an event the most likely to insure peace. If the people who inhabit the country that surrounds Philadelphia were equally spirited and warlike with those in the Eastern States, General Howe's retreat might be effectually cut off, and all his supplies, and he in a short time reduced to the inevitable necessity of surrendering, but the fact is quite otherwise.

Large reinforcements from the Northern Army are expected in a few days; I expect some important operations will soon take place after their arrival.

Small parties of our horse and light infantry are constantly round the enemy's lines, and frequently make prisoners of their patrols. The ninth instant a party of our horse surrounded a patrol near their lines, consisting of seven grenadiers and seven light horse and made them prisoners. The next day our light horse attacked a party

of theirs, killed their commanding officer, and drove his party back to their lines. In such encounters our troops are general successful. The spirit of the enemy seems much lowered since the battle of Germantown and their defeat at the late attack on the fort. I wish it may be a prelude to Mr Howe's sharing in the *laurels of Burgoyne*.

I have the honour to be, Sir,

Your most obedient, humble servant.

JOSEPH WARD.

HON<sup>BLE</sup> JAMES BOWDOIN ESQ<sup>R</sup>.

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THOMAS POWNALL TO JOHN TEMPLE.

ALBEMARLE STREET, April 20, 1778.

DEAR SIR,— Permitt me to trouble you with the enclosed letters for my friends Mr Bowdoin & Dr Cooper.\* I would neither risque myself in sending them nor you in carrying them untill I had sent them to Lord North for his inspection & permission for them to pass. His answer so farr as respects y<sup>e</sup> letters I here copy & send you.

“BUSHY PARK, April 20, 1778.

“I am extreamly sorry that you wish to send such letters to America, & should be glad to hear that you have changed your resolution. but if you are very desirous of sending them I will not throw any obstacle in your way on the part of government, & consent that Mr Temple may carry them to their destination. I hope, however, that Mr Temple & every body elss will consider me as no party to the contents, which I certainly disapprove. The consent which I give is only because I wish to accommodate you whenever it is in my power.”

This consent I hope will prove mine & your passport for these letters. I wish you & M<sup>r</sup>s Temple an easy &

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\* Gov. Pownall's letter to Mr. Bowdoin here referred to is printed in Proceedings, vol. v. pp. 240, 241. — Eds.

safe voyage, a fortunate land-fall, & a happy sight of all your friends. My attentions to your son at Richmond shall not be those of compliment but real. I am, Sir,

Y<sup>r</sup> most obed. humble serv<sup>t</sup>.

T. POWNALL.

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JAMES BOWDOIN TO GEORGE WASHINGTON.

BOSTON, April 23, 1778.

TO HIS EXCY GEN<sup>L</sup> WASHINGTON.

SIR, — M<sup>r</sup> Rob<sup>t</sup> Temple,\* at whose request this is written, waits on your Exc<sup>y</sup> to procure the favour of your assistance in the settlement of his account against the United States. He would be glad also to be favoured with your permission to go to Ireland, where he has friends & connections, and where he can employ himself to the advantage of his family in the farming way. He found his farm at Charlestown in so ruined a state, that it will require a great length of time, and great expence upon it to put it in a condition to answer the purpose of supporting his family ; and it would be again, if the enemy should attack Boston, so much in the centre of military operations, that he would have reason to expect that all his expence upon it would be lost. He is desirous therefore of going to Ireland with his family, where he tells me he can procure accommodations for them on one of the several farms, of which he had the offer of leases on advantageous terms, when last there.

I give your Exc<sup>y</sup> joy on y<sup>e</sup> good news from France, & y<sup>e</sup> effect it appears to have had on y<sup>e</sup> British ministry. Wishing most ardently that yr operations in the ensuing campaign may be crowned with success, I have the honor to be with y<sup>e</sup> most perfect esteem, Sir.

Your Exc<sup>y</sup>'s most obed. hble serv<sup>t</sup>

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\* See note, *ante*, p. 36. — Eds.

## WILLIAM PULTENEY \* TO JOHN TEMPLE.

LONDON, 1<sup>st</sup> May, 1778.

SIR,— I find it will be so very inconvenient to my affairs to pay respects to you at Portsmouth, that I am obliged to take this method of informing you that you are to expect from your countrymen in France every possible obstruction to prevent your accomplishing your undertaking. These gentlemen have an obvious interest, on account of their own particular importance, to prevent any fair agreement, — one of them besides retains to this hour the strongest personal resentment of the treatment which some years ago he very improperly received at the Council Board, on a noted occasion, and as a proof of this I am assured by undoubted authority that on the day he signed the late treaty with France, on the 6 Feb<sup>ry</sup>, he took care to dress himself in the same coat which he had wore when maltreated at the Privy Council.† This is so marked a circumstance that it affords a very obvious key to his conduct & must naturally induce your friends to lay out of the scale in this case that weight which they might otherwise incline to give to his opinions & advice, and must, I think, incline them to judge for themselves with coolness & impartiality of the terms now proposed by considering the real nature & importance of these terms, & not merely the opinions of other persons concerning them.

It has no doubt occurred to you that the conduct of France with respect to America has been entirely regulated by her own interest, & not by any wish for the interest of

\* Sir William Johnstone, 5th baronet of Westerhall, took the name of Pulteney on his marriage to the heiress of that family, and was at one time reputed the richest commoner in Great Britain. He owned a large landed property in America, represented Shrewsbury in the House of Commons in seven successive Parliaments, and died in London, May 29, 1805. See Burke's Peerage and Baronetage. — EDS.

† It was long supposed that a suit of clothes, once belonging to Dr. Franklin, which was given to the Historical Society in 1803, and is now in its Cabinet, is the identical suit here referred to; but this belief does not seem to be warranted by the known facts. See Proceedings, vol. i. p. 155; vol. xvi. pp. 50, 370. — EDS.

America. The dates of the late transactions at Paris are a proof of this. No advances were made by France towards a treaty with America till after Lord North had given notice in Parliament before Xmas, of his intention to offer conciliatory propositions. France took the alarm, & finding it necessary to abandon her policy of weakening both England & America, she signified to the American deputys that the Court of France would be ready to receive proposals for a treaty. The proposals were accordingly given in about the end of December, but the French ministers gave no answer till they knew from England, in the end of January, the nature of the intended proposals of Lord North, & foresaw that America must naturally be satisfied with them. Then it was that France became serious in wishing to link America to herself, & the treaty was signed on the 6<sup>th</sup> of Feby. France now finds it necessary to act openly & with vigor, which America must see proceeds from an apprehension that the terms offered by Great Britain are so extremely favourable & advantageous that America, if left to herself, must necessarily accept of them. The power of France which slept whilst Britain was hostile to America is called forth with the utmost vigor when affection to America resumes its place in the parent state. Can America be so blind as to fall into such a palpable snare?

I cannot believe that any American in whom personal & selfish motives have not extinguished or overpowered all virtuous love for the public can wish in the moment of returning affection to lay Great Britain at the feet of France & Spain, or can conceive that the degradation of their brethren here would tend to the permanent interest of America or of Europe. I am, Sir,

Your most obedient & most humble servant.

WILLIAM PULTENEY.

DAVID HARTLEY\* TO JOHN TEMPLE.†

GOLDEN SQUARE, LONDON, May 16, 1778.

DEAR SIR,— Your letter surprized me much yesterday. I thought you had been sailed many weeks for America. Our friend Franklin at Paris was very well a few days ago. I delivered your message to him which he received very kindly, and enquired much after you. I believe now that America is in port, “*he will readily lend an helping hand to the general restoration of peace.*” I have endeavoured since my return to convince the Ministry that it is folly not to declare the independence of America without delay; and that any delay upon that subject will be fatal as cementing the recent union between France and America. I shall wait the event of some remonstrances that I have made on that head, and if they do not produce the desired effect, I think I shall take some opportunity to lay my sentiments on this subject before Parliament. Enclosed I send you some heads of negotiation which I gave in to administration as the result of what I shd presume to advise upon the subject. I shd be glad to have your opinion of them if this shd still find you at Portsmouth, but for the sake of peace I wish you were where your interest would have the most weight to produce it. Say for me on the other side of the great water, that I am a friend to peace and to the rights of mankind. I am, dear Sir,

Your most obliged friend and most obedient servant.

D. HARTLEY.

JOHN TEMPLE, ESQ<sup>R</sup>.

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\* David Hartley, the friend and correspondent of Dr. Franklin, and one of the negotiators of the treaty of peace with the revolted Colonies, was born in 1732, educated at Oxford, and died at Bath, England, Dec. 19, 1813. See Dictionary of National Biography, vol. xxv, pp. 68, 69. — EDS.

† This letter and the letter immediately following it are printed from copies, on a single letter sheet, in the handwriting of John Temple. To the first is prefixed the following memorandum in the same hand: “Copy of a Letter from David Hartley, Esqr, member of Parliament, to Mr. Temple at Portsm<sup>o</sup>, waiting an opportunity to embark with his family for America.” — EDS.

## HEADS OF NEGOTIATION.

1. That America be declared independent.
  2. That Great Britain and America shall engage mutually not to enter into any treaty offensive to each other.
  3. That an open & free trade shall be established between Great Britain & North America.
  4. That a foederal alliance shall be negotiated between Great Britain & North America by persons authorized for that purpose to treat with the Congress in America.
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DAVID HARTLEY TO JOHN TEMPLE.

GOLDEN SQUARE, May 22<sup>d</sup>, '78.

DEAR SIR,— Yours received. I shd thank you much for your opinion upon the Heads of Negotiation as soon as convenient, because I shall have occasion to speak upon the American subject on Wednesday next. The precise question for Wednesday is not settled, but in effect it will be upon the terms of settling the dispute in the present state of it. I am sorry that you meet with any difficulties about your passage.\* If you wish for any introduction to Admiral Keppel on that score, M<sup>r</sup> Walter is very well acquainted with him, having travelled round the world with him. No certain news of the Toulon fleet here. Nor indeed, any other news.

Yours, in haste, &c<sup>a</sup>

D. HARTLEY.

To JOHN TEMPLE, Esq<sup>R</sup>.

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\* By a letter from Thomas de Grey (afterward Lord Walsingham) dated May 22, it appears that it was intended Mr. Temple should take passage in one of the government vessels, but that difficulty arose on account of the large quantity of baggage which he had. By a subsequent letter (May 27) it seems that the plan was changed, and that he was to sail in the regular packet for New York.—EDS.

## WILLIAM PULTENEY TO JOHN TEMPLE.

LONDON, 22 May, 1778.

SIR,— I am favoured with both your letters, and have said what I thought upon the subject, without any reserve; what effect it will have I know not.

I return you M<sup>r</sup> H's letter. His sentiments & mine differ widely upon the subject. What he means by lending a helping hand to the restoration of peace is procuring peace from France & Spain by giving up America, which I trust in God there is no man of the least spirit in England will consent to. I have some stake in the business, but I would sooner sacrifice the whole than submit to so ignominious a peace. If this country is willing to have peace on such terms, it stands in need of no helping hand to acquire it, but after such meanness it is not likely to enjoy peace long, & it is much better to meet the contest now like men & die with swords in our hands. That sort of peace would not be for the real interest of America. If you agree in opinion with Mr. H., you had much better decline the business you have undertaken.

When you see my brother\* be so good as to tell him that I have added to the 5<sup>th</sup> edition of my pamphlet Dr Franklyn's letter to a friend of mine which I gave him, & his letter to the East India Directors concerning the tea duty. I am, Sir,

Your most obed. servt.

WILLIAM PULTENEY.

If you should not go by the Lioness, would it not be best to go by the packet which will sail the begining of next month.

\* Commodore George Johnstone, M. P., and at one time Governor of West Florida, one of the Commissioners sent over in 1778 to treat with the Colonies. He was a son of Sir James Johnstone, of Westerhall, and was born in 1730, and died May 24, 1787. See Dictionary of National Biography, vol. xxx. pp. 75-77. — Eds.

PEREZ MORTON\* TO JAMES BOWDOIN, JR.

PORTSMOUTH, RHODE ISLAND, Aug<sup>t</sup> 20<sup>th</sup>, 1778, 7 o'clo. P. M.

DEAR SIR, — We have just received intelligence that the French fleet is coming into the harbour, & I have had the pleasure to gratify myself with the agreeable sight from a neighbouring eminence. But whilst we were there Gen<sup>l</sup> Sullivan received a letter from the Count, informing him that by the severity of the late storm the Admiral's ship, the Languedoc, lost her topmasts, and another lost her foretopmast, & a third has not yet joined the fleet since their separation, that he had taken the Senegal, British frigate, of 28 guns, and a bomb ship. But that he had received so much injury from the storm he must be obliged to go to Boston to refit his fleet. A Council of War is this moment called, I *imagine*, to consult the expediency of requesting the Count to use every effort in his power to come immediately into this harbour & strike the decisive blow. God grant he may be prevailed on so to do; for if he should refuse I'm too much afraid from the propensity of our militia to go home, an end will be put to the expedition, and the siege be dishonorably raised. But should the Count be willing to co-operate with us with the force he has, I make no doubt the enemy will be entirely in our hands in the course of 3 or 4 days. Should I survive the attack you may expect a letter from me on Tuesday next, dated at Newport. There has been a heavy and constant cannonade kept up for these two days pass'd from the enemy's redoubts under Tammany Hill upon our guards & fatigue parties. We have so far compleated one of the grand batteries as to be able to open four guns upon them. This has occasioned

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\* Perez Morton, some time Attorney-General of Massachusetts, was born in Boston, Nov. 2, 1751, graduated at Harvard College in 1771, married Sarah Wentworth Apthorp, and died at Dorchester Oct. 14, 1837. — EDS.

a severe return from us, & through the course of this day has provoked a more vigorous cannonade from the enemy, which, however, has had no other effect than the killing one of our militia men & wounding several others. I am, with much esteem,

Your very hu<sup>r</sup> serv<sup>t</sup>.

PEREZ MORTON.

P. S. I beg you'd favour me with a line or two daily, as the post are very regular.

JAMES BOWDOIN, JR., Esq<sup>R</sup>.

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PEREZ MORTON TO JAMES BOWDOIN, JR.

CAMP BEFORE NEWPORT, Aug<sup>t</sup> 25<sup>th</sup>, 78, 7 o'clo. morning.

DEAR SIR,— Last evening Gen<sup>l</sup> Sullivan rec<sup>d</sup> a letter in two days from Gen<sup>l</sup> Washington, advising him that there were 150 sail of transports in the Sound with their sails unbent & ready to put to sea, & recommending him to secure a retreat. This intelligence quicken'd the decisions of our Council of War, and the last evening they unanimously agreed to retreat to the north end of the island, and there fortify & maintain. We are this moment therefore packing up our alls for the movement; we were busy all last night in removing back our heavy artillery, and a thousand men were detached to Butt's Hill in our rear to throw up the necessary works. I am really much pleased to find that Gen<sup>l</sup> Washington has so explicitly recommended a retreat, for our commander in chief here certainly deserves the countenance of every good & great man of his country for his conduct in this expedition. And should he conduct our retreat with as much skill & address as he has led us on into the muns of the enemy he *will* because he *ought* to be crowned with laurels. The Marquiss De la Fayette (a gentleman whose spirit

sufficiently evinces the noble source from whence he sprung) is so peculiarly disgusted at the very extraordinary conduct of Count D'Estaing that he is determined to lay by his sword & his commission till they or some other fleet of his Most Christian Majesty has struck a stroke in favour of America that shall wipe off any evil impressions against his country which the Count's conduct may have made on the minds of the people here, and will reflect honor on the French arms. The Marquiss is a truly amiable character, &, to give it to you in short, he is 3 quarters an American. He purposes to reside at Boston, & is to accompany our noble General. (*Sub rosa*, one of our gen<sup>l</sup> officers in the course of the debates in Council took occasion from the Count's conduct to reflect on the nation at large. The Marquiss was very particular in enquiring his name, family, & rank, & determines to call him to an account for it. Let no one see or read this paragraph.)

In haste. I have nothing further to add, but that I am, with much esteem & respect,

Your friend & hu<sup>l</sup> serv<sup>t</sup>.

PEREZ MORTON.

JAMES BOWDOIN, JR, Esq<sup>o</sup>.

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SAMUEL ADAMS TO JAMES BOWDOIN.

DEAR SIR, — A few days ago I receivd a letter from your son in law Mr Temple dated New York, August 23<sup>d</sup>, requesting me by the first opportunity to inform you of his & Mrs Temple's arrival there, & that, for particular reasons he should be exceedingly happy if your affairs would permit you to meet them at Philadelphia, or as near it as might be convenient to you. He requested this of me, because excepting that letter & another to Mr President Laurens, he had not written a line since his

arrival at N. Y., & he had still weighty reasons for declining it. He also desired me to cause it to be made as convenient as might be (at his expence) for M<sup>r</sup>s Temple & her little boy, who had not been well since their arrival, to get to Philadelphia. His baggage which is both heavy & bulkey, he intended to get transported in a Flag, if any should be suffered to pass, to Boston, or some port as near it as might be, & hoped to see me soon in this city. His letter to the President was read in Congress. It was short and contained little more than to sollicit leave to come to Philad<sup>a</sup> to pay his respects to Congress. This was refus'd upon the idea that he might be a secret emissary from the British Court. I think it is best for him that his request is not granted ; for the jealousy of the people at large would, I believe, render his residence here very uncomfortable. A certain Doctor Burkenhout, who came from London in the same packett with M<sup>r</sup> T—, is now in prison in this city, committed by the authority of this State, under the same suspicion.\* I took occasion to inform Congress from my own knowledge of M<sup>r</sup> Temple, that although he had been formerly an officer of the Crown of Great Britain, and in the Customs, yet he had constantly given great offence to his brother Commissioners & other friends of that government, particularly Bernard & Hutchinson, by his attachment to those who espoused the liberties of America ; that he went to England seven years ago, where, I understood, he had since lived the greater part of the time, entirely out of favor at Court & in private life ; and that I had reason to think his connexions in Boston had long expected his return to spend his days there. Congress afterwards orderd the Secretary to inform M<sup>r</sup> Temple, that if it was his intention to reside

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\* Among the Bowdoin and Temple family papers separately filed is a letter from Helena Berkenhaupt to Mrs. John Temple, dated Richmond, June 9, 1778, in which the writer alludes to her husband's absence, and mentions many mutual friends, among others Gov. Pownall, a letter from whom to James Bowdoin, relative to an idea of returning to America, dated April 19, 1778, is printed in Proceedings, vol. v. pp. 240, 241.—EDS.

in any one of the United States, the same should be signified by him to the State in which he intends to reside, & the approbation of that State obtaind before a passport could be granted to him. Thus the matter stands in all its particulars, a view of which I thought it proper you should be acquainted with. I wish M<sup>r</sup> Temple had turned his attention first to Boston. It is probable he will now do it, and that you will soon receive a letter from him.

I am with the greatest sincerity,

Your affectionate friend, and humble servant,

S. ADAMS.

PHILADELPHIA, Sept<sup>r</sup> 3, 1778.

HON. JAMES BOWDOIN ESQ<sup>R</sup>.

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JAMES BOWDOIN TO SAMUEL ADAMS.

MIDDLEB<sup>O</sup>, Sept. 21, 1778.

SIR,—I thank you for y<sup>r</sup> kind letter of y<sup>e</sup> 3<sup>d</sup> instant (w<sup>ch</sup> I have just rec<sup>d</sup>) and for the information contained in it with respect to M<sup>r</sup> Temple & his family. It gave me the first authentic acc<sup>o</sup> of their arrival at New York. I observe it is his desire if my affairs would permit, that I would meet them at Phil<sup>a</sup>, but this is not in my power to do, as my old disorder still hangs upon me, of which since I had y<sup>e</sup> pleasure of seeing you last at Boston, I have had a very severe fit. It is certainly wise in Congress to be cautious how they admit strangers into any of the United States, especially as it is manifest there are emissaries from y<sup>e</sup> British ministry employed to corrupt the virtue of Americans; but by an indiscriminate refusal of all applications for leave to visit Phil<sup>a</sup> in particular, do they not cut themselves off from a probable means of obtaining much valuable information? Your letter mentions that M<sup>r</sup> Temple's application was refused upon y<sup>e</sup> idea that he might be a secret emissary from y<sup>e</sup> British Court. In what capacity

he is come to America I do not know; but I should suppose in a private one, & that he has brought his family to settle here. But on y<sup>e</sup> supposition he is in the employ of y<sup>e</sup> Ministry, if I know him, he would act on y<sup>e</sup> principles of honour. If he could be instrumental consistently with those principles to bring about a reconciliation, he would doubtless be glad to have an opportunity for it; and as I think he w<sup>d</sup> act an open, candid part, a meer conversation with him by some of y<sup>e</sup> members of Congress in their private capacity might be productive of some good, & possibly bring on a treaty, w<sup>ch</sup> might end in a solid peace, founded on the independence of America, and the mutual interests of both countries. From some things dropt in the debates in Parliament, particularly in y<sup>e</sup> House of Lords, lately published, and by Mauduit's piece circulated over England & transmitted hither by Mr. A. Lee, it appears probable, that y<sup>e</sup> British Ministry are inclinable to admit y<sup>e</sup> independence of America, and therefore there is reason to apprehend that such a conversation might have a salutary effect. But if M<sup>r</sup> Temple be merely a private person, he may be able to give, & in that case w<sup>d</sup> be under no restraint from giving, any information that might be useful to the United States. In either case his going to Phil<sup>d</sup> would be beneficial. If this however sh<sup>d</sup> be apprehended by y<sup>e</sup> enemy in the latter case, or they sh<sup>d</sup> get y<sup>e</sup> knowledge that Congress by granting him liberty to visit Phil<sup>a</sup> expected such information from him, it would doubtless occasion a stoppage to his going thither; and possibly be y<sup>e</sup> means of putting him into a disagreeable situation. If therefore on further consideration, Congress sh<sup>d</sup> think proper to grant that liberty, you will see the fitness of its being done in such a manner as will not raise any suspicions of him.\* I beg y<sup>e</sup> fav<sup>r</sup> that when you

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\* In the "History of New York during the Revolutionary War," by Judge Thomas Jones, a Loyalist refugee, is a bitter attack on John Temple, representing him to have come to America at this time as a secret emissary of the British Ministry, while at heart a

write to him, you will mention mine & M<sup>r</sup>s Bowdoin's sincerest and most affectionate regards to him & our dear daughter & children, & that we hope soon to have the pleasure of seeing them. Whether it will be in Boston (to which we were about removing) or in the country I cannot tell, as there has been for some days a general expectation at Boston of an attack on that town to be made by the enemy very soon with their whole force both by sea & land. Count D'Estaing's squadron there is doubtless y<sup>e</sup> motive to it & principal object of y<sup>e</sup> attack. The failure of y<sup>e</sup> R<sup>d</sup> Isl<sup>d</sup> expedition has been productive of very ill consequences & may be of more; but whether it be a real misfortune time must discover. If it should encourage y<sup>e</sup> enemy to attempt to penetrate by y<sup>e</sup> way of Providence through y<sup>e</sup> country to Boston, it may issue in a catastrophe similar to that which attended their army under Gen<sup>l</sup> Burgoyne. Such be y<sup>e</sup> issue, in whatever way y<sup>e</sup> attempt be made! In this wish I am sure of your concurrence, and am with real esteem, d<sup>r</sup> S<sup>r</sup>,

Y<sup>r</sup> most obed. hble. serv<sup>t</sup>.

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JAMES BOWDOIN TO GEORGE WASHINGTON.

BOSTON, Nov<sup>r</sup> 7, 1778.

TO HIS EXC<sup>y</sup> GEN<sup>L</sup> WASHINGTON.

SIR, — I thank y<sup>r</sup> Exc<sup>y</sup> for y<sup>e</sup> letter you caused to be sent to me some time ago. As it came from England I think it proper to mention to you, that it was from M<sup>r</sup>

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sympathizer with the Revolutionary party. It is also stated that, two years before, one of Temple's brothers came from England, bringing concealed in the buttons of his coat letters to the Continental Congress from the Marquis of Rockingham, the Duke of Richmond, Lord Shelburne, Gen. Conway, Charles James Fox, and David Hartley! The charge that Temple was in 1778 a secret agent of the British government "to bring about a reconciliation between Great Britain and her Colonies," is also in the London "Political Magazine" for November, 1780. The preceding number of the same periodical describes Benjamin Franklin as "alike a hypocrite in politics and in science." In Force's American Archives, fourth series, vol. v. col. 409, is a letter dated Philadelphia, March 19, 1776, which states that the only letter contained in the buttons of William Temple's coat was one from Arthur Lee. — EDS.

Stewart who married M<sup>r</sup>s Bowdoin's sister, and beside family matters contains nothing but a wish for the re-establishment of peace between Britain & America.

The gentleman who waits on you with this letter is John Temple, Esq<sup>r</sup>, lately returned from England, where he has resided the last eight years. He held at different times several respectable & lucrative offices under y<sup>e</sup> Crown; as those of Surveyor Gen<sup>l</sup> & one of y<sup>e</sup> Com<sup>rs</sup> of y<sup>e</sup> Customs in America, & Survey<sup>r</sup> Gen<sup>l</sup> of y<sup>e</sup> Customs in England: the first with a salary of £500 & y<sup>e</sup> last of £1000 sterl<sup>g</sup> p<sup>r</sup> añ. Of these offices he was successively deprived for his refusal to join in y<sup>e</sup> infamous measures for oppressing the trade & liberties of America; and the last four years his continuance in England was y<sup>e</sup> effect of ministerial persecution, from which he was released by the mediation of the late Earl of Chatham and other friends in y<sup>e</sup> minority. As he intends in his way to Congress to pay his compliments to your Exc<sup>y</sup>, I beg leave to introduce him to you for that purpose; and to mention him as a warm, steadfast, persecuted friend to the cause of America, whose merits in that view intitle him to the friendly notice of his countrymen. If y<sup>r</sup> Exc<sup>y</sup> should view him in that light, you will permit me to think it w<sup>d</sup> gratify your benevolence to favour him with a line of recommendation to Congress, which at the same time I sh<sup>d</sup> esteem a particular favour. I have y<sup>e</sup> honour to be with great respect, S<sup>r</sup>,

Y<sup>r</sup> Exc<sup>y</sup>'s most ob<sup>t</sup> hble. serv<sup>t</sup>.

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JAMES BOWDOIN TO SAMUEL ADAMS.\*

BOSTON, Nov. 7, 1778.

DEAR SIR,— I had the pleasure of writing to you the 21<sup>st</sup> Sept<sup>r</sup>, soon after which M<sup>r</sup> Temple with his family ar-

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\* For a correspondence between James Bowdoin and Samuel Adams in the summer of 1780, see Proceedings, vol. xii. pp. 220, 230. — EDS.

rived here in good health. He was received with y<sup>e</sup> utmost cordiality and friendship; such as were due to a man, who had given the fullest evidence of a firm and undeviating attachment to the rights and liberties of his country. It is needless, as you are so well acquainted with M<sup>r</sup> Temple's political history, to give you a minute detail of the base treatment he has received from the British Ministry. I shall therefore only mention that after his last dismission from office (w<sup>ch</sup> was that of Surveyor General of y<sup>e</sup> Customs in England, with a salary of £1000 st<sup>g</sup> per annum) he was called upon to settle the office accounts, which had been settled twelve years before, while he held y<sup>e</sup> office of Surveyor General in America; and this was done for the purpose of harrassing him, & preventing his return to America. Being at great expence, he was solicitous to get his family here, but all his applications for liberty to come with them were ineffectual, till by the influence of the late Earl of Chatham he obtained it. Now he has got them safe here, it is his wish to be made serviceable to his country either here or in Europe. In what way he can be so, you can best judge. If it should be thought adviseable that he should return to England on the idea of his being serviceable there, he might at the same time, in case of a change of ministry, have a probable chance of obtaining some compensation for the losses & disappointment he has suffered under the present administration. You will permit me to say that I conscientiously think his conduct to this moment intitles him to y<sup>e</sup> good wishes & assistance of his countrymen to procure him that compensation.

What I mean by his being serviceable in England is, that if he should go thither, he would in that case have an opportunity of representing the state of things here in a proper light; w<sup>ch</sup> would be very different from that in which it probably has been & may be represented by letters sent to England, and by persons gone, and going

thither, from the enemy. If they should represent what in substance has been represented in some of the New York news papers, that the people of America in general are tired of the war ; that they disapprove of Congress's rejecting the proposals of the British Commissioners ; that from the increasing quantity and depreciation of our paper bills, the credit of them must be soon at an end ; and that when this shall happen, we shall be destitute of means of continuing the war ; and if by such an untrue representation, y<sup>e</sup> British Ministry should persevere in carrying on the war, which otherwise they might be induced to bring to a speedy issue by confirming, though reluctantly, American independence, it would be doing an essential service to both countries to counterwork the influence of such a representation. It is our business, however, to attend to our own interest, and this would be more effectually promoted if it should happen to coincide with that of y<sup>e</sup> enemy, w<sup>ch</sup> in the affair of peace it might be made to do, provided that peace be settled so as to secure our independence and be not inconsistent with the late treaty with France. With respect to Britain y<sup>e</sup> state of her finances & other circumstances must make it ineligible for her to continue the war with America, and much more so to involve herself in an European war, w<sup>ch</sup> would probably be y<sup>e</sup> consequence of that continuance. To prevent then their continuing the war by means of the influence of misrepresentation and falsehood, would it not be an happy circumstance if a proper person could, as soon as might be, proceed from hence to England to rectify the misconceptions of the governing people there & give them a right idea of things ?—a person of good sense, tried integrity, known good will to the American cause, acquainted from personal knowledge with the state of things here, and able to gain access to men of influence in England. It might be productive of happy circumstances if such a person could be found. Your

knowledge of mankind and of Mr Temple in particular enables you to determine, whether he be such an one ; and whether his being in England at ye time of the approaching session of Parliament might not be of advantage to the American cause. If I did not think so, I should not intimate such a thing to you. But however that may be, I have no reason to doubt your knowledge of his character will procure him the happiness of your friendship.

I am with great esteem, dr Sir,  
Yours.

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JAMES GAMBIER TO JAMES BOWDOIN.

NEW YORK, 7 Decr, 1778.

SIR,— Your letter brings my remembrance many happy hours I spent during my comand at Boston, when pleaseid with your acquaintance. Painfull, very so, the idea of what is now the reverse in the present state of affairs in this distressd, distracted country ! shocking the reflection to a benevolent, religious mind. Alas ! Forthwith will I give orders for the liberating the young man you wish to be restord to his connections. Woud I could be any way instrumental to the restoration of happiness to this continent ! The same principles of humanity that governd my conduct when I had the honor to comand formerly in North America will continue ever to actuate me to every act of humanity and benevolence, all in my poor, circumscribd power. Life is short and we have a much more important object in contemplation beyond the transitory moment here.

Some little oportunities have offerd since I have been in this comand where I coud shew co~~m~~isseration & pity to suffering fellow creatures, & I have selfishly availd myself of them to releive the miseries of captivity. A self-

approving conscience has been a sufficient reward. I have likewise on several occasions given liberty to numbers of prisoners beyond the common rules & regulations literally prescribed, in the idea that an example of charity & humanity woud be followd by liberal minds, & have to hope that on the present occasion, in the loss of the Somersett, her captain, Curry, & officers will receive that compassion and indulgence I have both felt and enforc'd in every instance in my power to alleviate the sufferings of individuals in this most unnatural and distressing contest. I have no doubt but the commanding officer at Boston will take the earliest means of sending Captain Curry, his crew & officers, and what Brittish seamen may be there to me here, and by the shortest route to New London as the winter season is set in, from compassionate considerations. Permit me to tender my cordial best wishes to M<sup>r</sup>s Bowdoin & Temple for their happiness. I am, Sir,

Your faithfull humble servant,

J. GAMBIER.

*Comander in Chief of all his Britan<sup>c</sup> Maj.  
ships st<sup>t</sup> in North America.*

JAMES BOWDOIN, Esq<sup>R</sup>

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JOHN TEMPLE TO HORATIO GATES.\*

BOSTON, 7 May, 1779.

DEAR SIR, — I fully intended myself the pleasure of visiting you before I sh<sup>d</sup> leave America, but so good an opportunity as that of the brig<sup>e</sup> Amsterdam, a vessell of force, offering for Holland, I have concluded to take pas-

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\* Horatio Gates was born in Malden, England, in 1728, and served for several years in the British army in America. After the peace with France in 1763, he bought an estate in Virginia; and on the breaking out of the Revolution he offered his services to Congress. In 1777 he superseded Schuyler in command of the Northern Army, and was the victor at Saratoga. Subsequently he retired from active service; but in 1780 he was appointed to the command of the army in North Carolina, and in August of that year was totally defeated at Camden. He died in New York, April 10, 1806. See Appleton's Cyclopaedia of American Biography, vol. ii. pp. 614, 615. -- EDS.

sage in her & expect to sail in eight or ten days at farthest. Sh<sup>d</sup> you have any commands you may depend upon my particular care & attention. Upon my arrival in Holland I shall, before I go to England, proceed to the German Spa, where there will be many gentlemen from England of the first rank and consideration of that kingdom, both in & out of the ministry ; particularly the Duke of Richmond & my Lord Camden, I have good reason to expect will be there, and as far as my voice can go, I shall everywhere set forth the total impracticability of Great Britain's effecting anything more than her own further distress, if not ruin, by continuing the war against this country ; and I think I can substantially support such my opinion from the personal observation I have made for now near a year that I have been upon the continent, having conversed freely with gentlemen of the first rank & character in these States, as well as with many of their delegates in Congress ; and I am perfectly sensible that Britain has nothing else to do, but with the best grace she can, offer her hand to America upon the very terms that America herself has proposed, & from which *she never will recede*. Great Britain, in my opinion, hath not an alternative except that of "dying in the last ditch," an exit which, however agreeable to Governor Johnstone's turn of mind, the nation in general, I am satisfied, are not much inclined to, though the sooner the governing powers of the kingdom make up their minds upon a true & faithfull state of affairs in this country, for they have been deceived long enough, the sooner they will be able to turn their thoughts to the saving the nation as far as now may be from irrecoverable ruin. Your sentiments, if I judge right, are nearly the same as these, and I doubt not your letters (simeler to that you formerly wrote to Lord Thanet, & which was read in the House of Lords) will freely express these sentiments, & may contribute much to induce that infatuated country to put an immediate end to so ruinous a war.

That independence & happiness may attend these united States, and that you may meet with the respect and gratitude of a triumphant, flourishing country is the sincere wish of, my dear Sir,

Your most obed<sup>t</sup> faithfull servant.

J. TEMPLE.

MAJOR GENERAL GATES, AT PROVIDENCE.

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CERTIFICATE OF JAMES BOWDOIN AND OTHERS.\*

WHEREAS certain letters written by Governoeur Hutchinson, Lt Gov<sup>r</sup> Oliver and others were transmitted by Doctor Franklin to the Hon<sup>ble</sup> Thomas Cushing, Esq<sup>r</sup>, to be by him communicated to the Hon<sup>ble</sup> Mess<sup>rs</sup> Bowdoin, Pitts, and Winthrop of the Council, and M<sup>r</sup> S. Adams of the House of Representatives, to the Reverend Doctors Chauncey and Cooper of Boston, and others, under express limitations and restrictions; the intention of sending which letters was that clear and undoubted evidence might be lodged in America of the perfidious and traitorous designs of the writers against their country, which letters we afterwards were informed by the Hon<sup>ble</sup> John Temple, Esq<sup>r</sup>. were thrô his means procured by Dr Franklin, tho', as he declares, not in the way apprehended by the British ministry; and whereas by the eager desire of some who properly came to the knowledge of said letters to apply them to the important publick use they were adapted to serve, the above mentiond limitations and

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\* The signatures to this certificate are autographs. The original date was August: but May was written over it with a coarse-nibbed pen, and with ink of the same color as that used for the rest of the document. There is so much space above the signature of Cushing as to suggest that it was expected some one else would sign under Bowdoin. Of the members of the Council named, Mr. Pitts died Feb. 7, 1776, and Mr. Winthrop May 3, 1779. For a long letter from James Bowdoin to Thomas Pownall, dated May 7, 1779, in which month Temple returned to England, see Proceedings, vol. v. pp. 241-244; and for a detailed account of Temple's connection with the Hutchinson letters, see a paper communicated to this Society by his grandson, the Hon. Robert C. Winthrop, and printed in the Proceedings, vol. xvi. pp. 41-49.—EDS.

restrictions were transgressed, and the letters made publick, the consequence of which was that Mr Temple, who had uniformly opposed the measures of the British administration respecting America, and their tools, became strongly suspected by them of having procured and sent said letters, and was accordingly deprived of the place he held under the British government of one thousand pounds sterling £ annum, as also his office of Lt Governor of N. Hampshire, and was otherwise for a long course of time persecuted and distressed by the vengeance of the British ministry even to the risque of his life. Particularly, as we are well informed, a *Ne Exeat Regnum* was issued against him, and large securities required of him not to depart the kingdom without permission first had of the British ministry, which restraint was continued to the spring of 1778, when, thro' the mediation of the late Earl of Chatham and others, he was allowed to come over to New York, and from thence by flag of truce to this his native country.

From all which it must appear, that while Mr Temple, in being instrumental in sending the above mentioned letters under such cautions as he thought sufficient for his own safety, not only designed, but actually rendered a most important benefit to his country by destroying in a great measure the influence of those who were planning the destruction of its liberties, and by greatly aiding the infancy of that opposition which has gradually ripen'd into the present glorious revolution, yet that this generous service did eventually turn out to his own great loss & distress, for which, while the services of many others to the American cause, particularly Dr Franklin's, who had a large share in this hazardous and publick spirited measure, have been rewarded with honours and emoluments, Mr Temple has hitherto received no recompense.

We therefore the subscribers who are particularly

knowing to the things here recited hold ourselves bound to declare that we consider M<sup>r</sup> Temple, so long as he retains that fidelity and affection to his country which in every instance that has come to our knowledge he has hitherto manifested, as having a claim in reason and equity to a compensation for his great sufferings in the zealous service of it, and to be regarded by it with particular gratitude and respect.

JAMES BOWDOIN.  
THOMAS CUSHING.  
CHARLES CHAUNCY.  
SAMUEL COOPER.  
SAM<sup>L</sup> ADAMS.

BOSTON, May 21, 1779.

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GEORGE WASHINGTON TO JAMES BOWDOIN.

HEAD Q<sup>RS</sup>, MORRISTOWN, May 15<sup>th</sup>, 1780.

D<sup>r</sup> SIR,— I take the liberty to transmit to your care a letter for Major General Heath under a flying seal. From an apprehension that he might have left Boston before it arrived and the importance of the objects to which it extends, I am induced to use this freedom. If the General has not returned to the army, I would request the favor of you to have the letter sealed after perusing it, and delivered to him; and if he has, that you will have the goodness to consider it as addressed to yourself and to assist me in the several interesting points to which it goes. It may be of infinite importance to obtain the information required, and I should hope it may be done. Our very good friends & allies have it much at heart, and view the reduction of Hallifax as a matter of great consequence, as being the arsenal of support to the enemy's fleet in those seas & in the West Indies. I very sincerely congratulate you on this prospect of succour from his Most Christian Majesty, which equally demonstrates his wisdom

and his great regard for us. Your own good understanding, I am convinced, will lead you at once to see the propriety of secrecy upon the occasion, and you will be pleased to consider the communication as confidential. I shall be happy, and our interest and character as a nation indispensably require it, that our exertions may be proportionned to this fresh instance of magnanimity and generosity on the part of our ally. I confess I have my fears on this head, as we have now, from the pernicious system of short enlistments, nothing left us but the skeleton of an army, and are under great embarrassments with respect to our finance. Every friend to America should give his most active support to these important objects.

The accounts from Charles Town received on our part, as I learn from Philadelphia, only come down to the 15<sup>th</sup> of April. The enemy's batteries had then been opened for some days, without any other effect than killing three privates and a woman & child and firing one or two houses. It is however reported to-day that they have received advice in New York to the 1<sup>st</sup> instant, and that matters had not then undergone any material changes.

I have the honor to be, with the greatest respect & regard, dr Sir, Your most obed<sup>t</sup> serv<sup>t</sup>.

G<sup>o</sup> WASHINGTON.

THE HON<sup>BLE</sup> JAMES BOWDOINE.

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GEORGE WASHINGTON TO JAMES BOWDOIN.

HEAD Q<sup>RS</sup>, SPRINGFIELD IN JERSEY, June 14, 1780.

D<sup>r</sup> SIR,—I have received your two favors of the 29<sup>th</sup> & 31<sup>st</sup> of last month, with the plan referred to, and have to return you my warmest thanks for the same & for your very kind & polite attention to my request. The plan & table of reference are very intelligible and satisfactory, and convey a clear idea of many points about which I was uninformed before. These may be of great use, and from

the manner and the person the accounts were obtained with respect to the fortifications, I have no doubt of their accuracy as to those at the time to which they relate. The place appears to be very strong & to have had much attention paid to its security latterly. I am in hopes from the measures General Heath has taken that he will be able to procure intelligence of its improvements and force to a late period.

With respect to Charles Town, although I have received no official advices of it on our part, the loss of it seems placed beyond doubt. The articles of capitulation are published in a York Gazette Extraordinary by authority, which were signed the 12 of May, with all the preliminary negotiations between the commanders. The garrison, at least the part denominated Continental, are prisoners of war. This is a severe blow, but not such as will ruin us, if we exert ourselves virtuously and as we are able. Something like it seems to have been necessary to rouse us from the more than thrice unaccountable state of security in which we were sunk. Heaven grant the blow may have this effect. If it should the misfortune may prove a benefit and the means of saving us.

On Tuesday night the enemy landed at Elizabeth Town point, with all the force they could draw from New York & its dependencies, under the command of General Knyphausen, and proceeded the next morning into the country about seven miles, within half a mile of this place. At night they retired to the point of debarkation, where they have remained ever since. In their advance they were most spiritedly opposed by the Jersey troops who lay in the neighbourhood, and by such of the militia as had an opportunity from their situation and the suddenness of the occasion to turn out, and there is reason to believe they were a good deal galled. Brigadier Gen<sup>d</sup> Stirling, it seems from good authority, was wounded in the thigh by our picket soon after they debarked. This

movement of the enemy brought the army to this post on Wednesday last. The cause which justifies this insulting manœuvre on their part most deeply affects the honor of the States, a vindication of which could not be attempted in the present situation of the army, without most eminently hazarding their security,—at least as far as it might depend upon the safety of the latter. Such is our weak diminished condition. Our character, our interest, our all that is dear, demand that the States should without the least delay fill their battalions according to their established complement. If this is not done, we cannot co-operate with the force so generously coming from our ally on any large scale, and may, however flattering our views of success may be thought by many, easily become a ruined and an undone people. You cannot, my dear Sir, render a more essential service to your country than to promote as far as it may be in your power this desirable and all interesting work. I have the honor to be, with very sincere respect & regard,

Y<sup>r</sup> most obed. sv<sup>t</sup>.

G<sup>o</sup> WASHINGTON.

P. S. The enemy burnt a meetinghouse and several dwelling houses & barns. They lost about forty prisoners. We have suffered but very inconsiderably in this affair; and I have the pleasure to add that the militia never turned out with greater spirit than on this occasion.

HONBLE JAMES BOWDOIN.

JAMES BOWDOIN TO GEORGE WASHINGTON.\*

BOSTON, June 26, 1780.

HIS EXC<sup>R</sup> GEN<sup>L</sup> WASHINGTON, AT SPRINGFIELD HD QRS, JERSEY.

DEAR SIR,—By the post I had y<sup>e</sup> honour of your letter of the 14<sup>th</sup> instant, and am happy to find that the plan,

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\* For three letters written about this time by Bowdoin to Lafayette, and two letters from Lafayette to Bowdoin, see Proceedings, vol. v. pp. 348-355.—EDS.

&c., accompanying my last was in any degree satisfactory and may be of use. I hope the measures taken for procuring further intelligence will be effectual. The loss of Charlestown is unfortunate, and the more so if owing, as is said to be y<sup>e</sup> case, to a want of provisions. I wish it may be repaired the present campaign, and that the expected forces of our allies, joined with our own, will enable your Exc<sup>y</sup> to do something more than repair it.

The papers enclosed will shew the measures our Legislature have taken to answer the requisitions made on this State, and your Exc<sup>y</sup> and the Com<sup>tee</sup> of Congress co-operating with you may be assured that nothing will be wanting on the part of the Council of this State to carry those measures effectually into execution. You will observe by y<sup>e</sup> resolution of y<sup>e</sup> 5<sup>th</sup> inst<sup>t</sup> that every person procured for y<sup>e</sup> service therein mentioned is to supply himself with a good firelock, &c. This clause is vacated by a posterior resolution (of y<sup>e</sup> 14<sup>th</sup>), so far as it relates to the firelock & accoutrements; and for this reason that y<sup>e</sup> Court apprehended that the arms stopped from our men the last winter & spring, when their service expired, would be sufficient to supply the men now raising. I hope the Court were not mistaken, and that there will be found in y<sup>e</sup> publick stores at head quarters a sufficient number of arms for the men. Fervently wishing success to the arms of the United States, I have y<sup>e</sup> hon<sup>r</sup> to be, with the most respectful regard, dr<sup>r</sup> Sir,

Y<sup>r</sup> Exc<sup>y</sup>'s most ob<sup>t</sup> hble. serv<sup>t</sup>.

J. B.

Y<sup>r</sup> Exc<sup>y</sup> will please to co~~m~~unicate the enclosed proceedings of the Gen<sup>l</sup> Court to y<sup>e</sup> honble. Com<sup>tee</sup> of Congress.

A mem<sup>o</sup> of the papers enclosed to G<sup>l</sup> Washington, viz.  
The resolve of y<sup>e</sup> 5<sup>th</sup> June for raising 3934 men for 6  
months.

do of y<sup>e</sup> 23<sup>d</sup> for raising  $\frac{1}{4}$  of said number.

do y<sup>e</sup> 22<sup>d</sup> for raising 4726 militia for 3 months.

- The resolve of y<sup>e</sup> 14<sup>th</sup> & 24<sup>th</sup> appointing Com<sup>rs</sup> to receive  
money f<sup>m</sup> people as adv<sup>a</sup> for taxes.  
 do y<sup>e</sup> 14<sup>th</sup> excusing the men from furnishing  
themselves with arms.  
 do y<sup>e</sup> 20<sup>th</sup> appointing M<sup>r</sup> Osgood, &c., to super-  
intend purchases, &c.  
 do y<sup>e</sup> 23<sup>d</sup> empowering s<sup>d</sup> Com<sup>tee</sup> to impress  
cattle, &c.  
 do y<sup>e</sup> 19<sup>th</sup> appointing Mess<sup>rs</sup> Baker & Miller to  
purchase cattle, & rum, &c.  
 do y<sup>e</sup> 24<sup>th</sup> empow<sup>g</sup> M<sup>r</sup> Osgood, &c., & to displace  
purchasers if necessary.  
 do y<sup>e</sup> 23<sup>d</sup> do Brigad<sup>r</sup> Fellows to draw forth  
y<sup>e</sup> militia of his brigade.
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#### ESTHER REED\* TO ELIZABETH BOWDOIN.

MADAM,—The ladies of this State, aspiring to the honour of giving the soldiers of the American army some public mark of the esteem they entertain of their patriotism & valour, have associated to raise a subscription as a reward for their hardships & their virtue. Being one of the States contiguous to the theatre of war we hastened to form the plan, & the success has answer'd our most sanguine expectations. But desirous to make the subscription more adequate to the merit & number of our brave soldiers, we take the liberty of conveying to you, Madam, the inclosed plan which was publish'd in our Gazette of last month, not doubting your interest & influence to carry it into execution through your State, & render it by that means more general, useful, & uniform.

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\* Wife of Gen. Joseph Reed, President of Pennsylvania. She was the daughter of Dennis De Berdt, sometime agent of Massachusetts in England. She died Sept. 18, 1780, at the age of thirty-four. (See Reed's Life of Joseph Reed, vol. ii. p. 269.) — EDS.

M<sup>r</sup>s Washington has laid the plan before the General, & we wait his orders how the money is to be disposed of, with which we will take an early opportunity to acquaint you. The donations of this city amount to 290,000 dol<sup>s</sup>,\* & the country will make very considerable additions.

I am, Madam, with great respect,  
Your very hum. ser<sup>t</sup>.

ESTHER REED.

PHILA, June 30<sup>th</sup>, 1780.

Since writing the above General Washington has expressed his opinion that part of the money will be best appropriated to purchase linnen for the army, as the soldiers are very destitute of shirts. Blankets also will be very acceptable.

COUNT ROCHAMBEAU† TO JAMES BOWDOIN.

A NEWPORT, le 8 Aoust, 1780.

MONSIEUR, — J'aprends par la dernière dépesche du Général Washington, du 4 Aoust, que Monsieur Clinton, qui s'étoit embarqué à Huntington dans Long Island dans le dessein de venir nous attaquer icy, a fait rentrer ses transports dans New York, et paroit avoir renoncé à ce dessein. J'ai profité de ce dernier avis tout de suite pour engager le Général Heath à renvoyer sur le champ toutes les milices extraordinaires. Je garde seulement icy avec l'agrément de nostre Général Washington la partie des milices qui doit servir trois mois à son armée pour

\* At this time the continental currency had fallen so low in value, and was depreciating so rapidly, that the amount of the donations at the time they were made probably did not exceed \$5,000 or \$6,000 in Spanish milled dollars. — EDS.

† Jean Baptiste Donatien de Vimeur, Comte de Rochambeau, was born at Vendôme July 1, 1725, and died at Thoré May 10, 1807. He entered the army in 1742, and served in many campaigns with much distinction. In 1780 he was made Lieutenant General, and sent to America with a considerable body of French troops. He cordially co-operated with Washington in the operations which resulted in the surrender of Lord Cornwallis. See Nouvelle Biographie Générale, vol. xlvi. — EDS.

travailler à perfectionner un fort que nous faisons faire à Howland's Ferry, qui assurera toujours nostre communication avec le continent.

Il me reste à vous remercier, Monsieur, ainsi que nos bons alliés de l'Etat de Massachusett, de toute l'ardeur et de tout le zèle avec lequel ils ont quitté leur récolte pour accourir icy dans un nombre beaucoup plus considérable que celui que nous avions demandé. Je dois vous distinguer le ministre Peter Thacher de la paroisse de Stilibourough,\* qui a amené toute sa paroisse, y compris 3 de ses enfants, laissant la moitié de ses récoltes sur pied. Je ne doute pas, Monsieur, que leurs courageuse résolution, la démarche de l'armée de nostre Général Washington, et l'ardeur et la gaïeté de nos troupes se voyants si bien secondées, n'ait fait changer de résolution au Général Clinton, ce dont nous sommes tous bien fâchés.

Vous m'obligeriez sensiblement de me faire passer promptement tous les avis que vous pourriez recevoir de la Seconde Division, en les tenants secrets autant qu'il sera possible pour que les messieurs qui croisent devant nous avec leurs flotte de guerre n'en aient pas d'avis et ne puissent pas l'interpreter.

J'ai l'honneur d'estre au delà toute expression, Monsieur, de vostre Excellence,

Le très humble et très obéissant serviteur.

LE C<sup>TE</sup> DE ROCHAMBEAU.

\* Presumably Rev. Peter Thacher, minister of Attleborough. He was born in Middleborough, January 14, 1715,—or January 25, 1716, according to another account,—graduated at Harvard College in 1737, ordained at Attleborough in 1748, and died there in November, 1785, "leaving a large family." See N. E. Hist. and Gen. Register, vol. xiii. p. 246; xxxvii. pp. 13, 14. The body of the letter is written by an amanuensis in a very legible hand, and the name "Stilibourough" is unmistakable; but it was probably copied from some muster-roll or other document not easily deciphered by a foreigner.—EDS.

LETTER TO THE SENATE AND HOUSE OF  
REPRESENTATIVES.

TO YE HONBLE THE SENATE & HOUSE OF REPRESENTATIVES OF THE  
COMMONWEALTH OF MASSACHUSETTS:

HONBLE GENTLEMEN,— By your message of yesterday, and a letter from the Secretary, I am acquainted that you had been pleased to elect me Lieutenant Governour and a Senator of this Commonwealth, leaving it optionally with me, as I presume, to accept of either.

I have a due sense of the honour conferred upon me, which has excited in me the warmest sentiments of respect and gratitude to your honourable body. But it is my misfortune, and at this time especially I think it a great one, that by reason of a continued ill state of health I am under a necessity to decline accepting y<sup>e</sup> offices, both the one and the other, to which by your favour I have had the honour to be elected.

The recent and repeated experience I have had of the bad effect of attention to public business has furnished me with y<sup>e</sup> fullest evidence of the unfitness of my engaging in it, and the duty I owe to the public forbids me to engage in it while my health continues in so precarious a state. To this I would add, that in case my health had been no bar to it I should have been under some difficulty about accepting either office, although conferred by so respectable a body as the General Court, if there be any reason to suppose from the returns of y<sup>e</sup> votes of the several towns that the acceptance would not be approved by the good people of the State. whose good will, without any regard to their suffrages, it would give me the highest satisfaction to merit. To say so much on a subject merely personal would greatly need an apology at another time, but at the present it may be proper, in order to explain the reason of my conduct, which I cannot but persuade myself your goodness will approve.

Most devoutly wishing the new government may be succeeded by effecting the best good of the commonwealth, I have the honour to be with every expression of regard, Hoñble Gentlemen,

Your much obliged & most obed<sup>t</sup> hble. servant.

JAMES BOWDOIN.

BOSTON, Oct<sup>o</sup> 31, 1780.

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MR. TEMPLE'S DECLARATION.

PUBLISHED IN THE LONDON COURANT OF 6 DECR<sup>Y</sup>, 1780.\*

Seeing that the abundant publications about rebellion, treason, & treasonable practice against the state (as discovered from Mr Laurens's papers) have somewhat subsided, it may not be amiss to rectify a few mistakes concerning a gentleman whose name has been held out not much to his advantage.

Mr Temple did not go out with the Commissioners to North America, as hath been generally supposed. He did not leave England till near two months after the Commissioners had sailed; and it was long before he arrived in that country that they had failed in their conciliatory attempts, the Congress having ratified the Treaty of Alliance & plighted their faith with the Court of France before the Commissioners arrived at Philadelphia.† Mr Temple went to America without commission, instruction, or even a single sentiment suggested to him as a rule for his conduct in that country; but he under-

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\* This Declaration, including the caption, is printed from a copy in the handwriting of Mr. Temple, and is incorrectly dated "1781." The indorsement, which is also in his handwriting and was apparently made at the same time, gives the correct date, "1780." — EDS.

† Two treaties between France and the United States were signed at Paris, Feb. 6, 1778, the British government was formally notified of the completion of one of them March 13; and both treaties were ratified by Congress May 4. The British Commissioners arrived at Philadelphia in June, and on the 9th of that month wrote a letter to Congress which was received on the 13th. On the 18th Congress voted unanimously not to treat with the mother country except on "an explicit acknowledgment of the independence of these States" or the withdrawal of the British fleets and armies. — EDS.

stood before he left England that the terms on which the British ministers were disposed ultimately to make peace with America were that *the Colonies should legislate for themselves, and trade where they pleased*; that the sovereignty sh<sup>a</sup> remain for an union of force only, which terms he considered as a surrender of the substance of independence to the Colonies; and having not heard of the treaty of eventual alliance (the treaty of commerce only having transpired) he thought it very probable that America would have consented to such terms.

M<sup>r</sup> Temple had but very little knowledge of the Commissioners, Governor Johnstone was in ill health the few weeks that M<sup>r</sup> Temple was at New York, and he never saw Lord Carlisle & M<sup>r</sup> Eden but once, & then only for a short visit. If (as some people have taken the liberty to suggest) bribery & corruption was any part of their business in that country, M<sup>r</sup> Temple was an entire stranger to it. M<sup>r</sup> Temple may flatter himself that his character is such that the Commissioners never could have expected to derive any assistance from him by any dishonorable means; and he may be as happy in not doubting that the people of his own country have full & sufficient confidence in the inflexibility of his honour and of his integrity. M<sup>r</sup> Temple went out an avowed friend to his country; he appeared as such upon all and every occasion while he was there (the honourable testimonials lately published from General Washington, the Govern<sup>rs</sup> Livingston, Trumbull, Powell, and others support the fact) and he returned to England precisely in the same sentiments with which he went out, all which Lord North *personally* knows from that gentleman.

M<sup>r</sup> Temple was no negotiator in America on the part of the Commissioners, or of any one of them, nor did he carry a sentiment or an idea from them, or from any of the British ministers, when he went into the United States, as he declared to the several powers within those

States when he was admitted. M<sup>r</sup> Temple most cordially wished for peace, and was heartily glad when he was informed that *fair, honest, & honourable terms* were going out to be offered to Congress, and himself requested to precede (though unfortunately he did not) and apprise them of it. To such terms M<sup>r</sup> Temple would have given all the assistance that might have been in his power at a fair meeting of the parties ; and it is to be lamented that such terms were not sent out, and time enough to have had a chance of success, when much blood & treasure might thereby have been saved to both countries, and an end have been put to a war which now bids fair to surpass any that has happened in modern ages.

M<sup>r</sup> Temple, though an American by birth and in principle, has never been an enemy to this country ; and he did most sincerely wish and expect to have been in some measure instrumental to the discontinuing the war when he returned to England & assured Lord North, as he did in the most express terms, on the first day of his arrival, that, notwithstanding whatever his Lordship might have heard from gentlemen who had never been without the lines of the British army in America, the people of that country were very much united in their determination never to return under the government of England ; nor was there in his, M<sup>r</sup> Temple's, opinion, offered with diffidence, any probability of the British arms effecting that object, though the war sh<sup>d</sup> be protracted to a long & to a distressing period.

Whether such, Mr. Temple's, sentiments were well or ill founded, or whether Lord North was right or wrong in giving more credit to other & opposite accounts, time only can determine. Under such circumstances and actuated by such a persuasion, could any act a fairer or a more manly part than to return to England and give a just representation of the truth ?

J. TEMPLE.

ARTHUR LEE\* TO JAMES BOWDOIN.

PHILADELPHIA, Decr 25<sup>th</sup>, 1780.

DEAR SIR,— I see by the newspapers your ultimate determination to retire from business, which, thô I lament with regard to the public, I cannot but hope it will operate a perfect re-establishment of your health, so as to enable you to return to the service of our country with renewed strength. In the meantime your retirement may be stil'd, with the most perfect propriety, *otium cum dignitate*.

Congress is much occupied with the very difficult business of establishing the army & their finances. They have at length, & I fear too late, adopted the measure of sending a minister expressly to obtain the necessary aids from the Court of Versailles. Col. Laurens is the gentleman fixd upon, of whom I cannot speak higher than by assuring you that he is the worthy son of a most worthy father.

I have recommended three things to Congress which appear to me most material for the honor & interests of these States,— the appointment of a minister to cultivate the Court of Petersburg as the head of the neutral league; the establishment of a Secretary of State for foreign affairs; & the removal of Doctor Franklin. A committee has been appointed to consider these propositions & has reported in favor [of] them. The two first have been adopted accordingly, & the third is now under consideration. M<sup>r</sup> Dana is named chargé des afaires for the Court of Petersburg, where I hope he will do his country service & himself honor. The captains lately arrived from L'Orient give a hopeless account of the supplies for the army, as there has been so much & such apparently wilfull mismanagement in the shipping them.

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\* See note, *ante*, p. 214. — Eds.

Please to make my respects acceptable to M<sup>rs</sup> Bowdoine, & remember me to M<sup>rs</sup> Temple, your son & his lady. I have not heard a syllable of M<sup>r</sup> Temple. Indeed the letters received from France are of an old date & very unsatisfactory. I have the honor to be with the greatest esteem, dear Sir,

Y<sup>r</sup> most obed<sup>t</sup> serv<sup>t</sup>.

ARTHUR LEE.

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JAMES BOWDOIN TO BENJAMIN FRANKLIN.

BOSTON, Jan<sup>y</sup> 11<sup>th</sup>, 1781.

SIR,—I had y<sup>e</sup> honour of writing to you by M<sup>r</sup> Guild some months ago.\* He probably acquainted you there was a bill then depending in our Assembly for incorporating a philosophical society. It has been compleated, and the society formed under the name of the American Academy of Arts & Sciences. They have had several meetings; and at y<sup>e</sup> last several gentlemen of distinguished characters were put in nomination, and there is no doubt will be chosen members at the next meeting. Among them is my much esteemed friend [D<sup>r</sup> Franklin] the first ambassador of the American United States, on whose election I hope to have the pleasure at that time of felicitating the Academy. In the mean time give me leave to present to you a specimen of its first fruit, which though it be unripe and imperfect and shews but an inferior power of vegetation in the particular stock from whence it fell, it is hoped will be the harbinger of maturer and better flavoured fruits from other stocks in y<sup>e</sup> same plantation. I am with real affection and regard, in which M<sup>rs</sup> Bowdoin & M<sup>rs</sup> Temple most cordially join with me, my dear friend,

Y<sup>r</sup> m<sup>o</sup> ob<sup>t</sup> hble. serv<sup>t</sup>.

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\* The letter here referred to is printed in 2 Proceedings, vol. viii. p. 290.—Eds.

JAMES BOWDOIN TO ARTHUR LEE.

BOSTON, Feby, 1781.

DEAR SIR,— Your obliging letter of y<sup>e</sup> 25<sup>th</sup> of Dec<sup>r</sup> I rec<sup>d</sup> by Col<sup>o</sup> Laurens, and thank you for the information contained in it. He sailed in y<sup>e</sup> Alliance y<sup>e</sup> 12<sup>th</sup> instant. I hope his passage will be more fortunate than his worthy father's, and that a better fate will attend him, especially as he is going on so important a business. It is a pity this business had not been more early attended to, as upon the success of it our vigorous operations depend. Without money to call forth and put in exercise the other means of carrying on the war, our operations must be faint and ineffectual, for which reason when the French minister, M<sup>r</sup> de la Luzerne, was here the last fall I represented to him the necessity of our being supplied with a sufficiency of money, in which case it might be expected that our exertions in concurrence with theirs would be adequate to the effecting the great object of the war; but without it we should not be able to co-operate with them efficaciously; that our will was good, but *this* necessary mean wanting; that the establishment of a certain regular fund for that supply for a number of years would of itself, without one victory gained over the enemy, bring them to a peace founded on American independency; it being manifest y<sup>y</sup> placed their greatest hopes of final success in destroying or exhausting our finances. M<sup>r</sup> de la Luzerne fully concurred in this representation & opinion, and said that although he knew it would be difficult for France to spare money for that purpose he would represent y<sup>e</sup> matter fully to y<sup>e</sup> French ministry, who he doubted not w<sup>d</sup> do what they could, and would also endeavour to procure money from Spain for the use of the United States. If he sent letters at that time on the subject he will probably soon receive an answer to them, and communicate it

to Congress. It is time, if it has not been done already, that a serious and earnest representation sh<sup>d</sup> be made to y<sup>e</sup> minister of France of y<sup>e</sup> inadequateness of our finances to carry on the war, in order that she may be led *by her own interest* to exert herself effectually, and at y<sup>e</sup> same time enable y<sup>e</sup> United States strenuously to co-operate with her, for y<sup>e</sup> purpose of securing on a permanent basis the independency of the States.

The ladies thank you for your notice of them, and return their respectful compliments. I have the honour to be with y<sup>e</sup> greatest regard, d<sup>r</sup> Sir,

Y<sup>r</sup> m<sup>o</sup> ob<sup>t</sup>.

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L. DE NEUFVILLE\* TO JAMES BOWDOIN.

SIR,—It is at the request of my worthy friend the Honourable John Temple, Esq<sup>r</sup>, that I have the honour to address you, & it is with so much the greater pleasure as the civilities he paid me when in London last fall deserve all my gratitude. M<sup>r</sup> Temple wished me to inform you of the situation of politicks, who then allready were very precarious, but are still much more so now. Not the least idea could we entertain of England's declaring warr against this republicq, after the efforts that haughty power had made to prevent her from acceeding to the armed neutrality had proved fruitless, yet that was done both unexpectedly and in a treacherous manner. Whether the intent was of having some chief persons among us *De Witten*, as they call'd it in the newspapers, I will not determine; but should it have happen'd, it would no doubt have pleased the English Ministery very much, whilst they appear to make it a rule of

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\* Son of John de Neufville, head of a banking-firm in Amsterdam, with whom John Adams had frequent negotiations in regard to loans to Congress. — EDS.

politicks to divide those they hate, to bring them better to submission.

They have not succeeded in their infernal system with America. I hope they will not in Holland. I can honestly assure you at least that they have by those measures raised an inveterate hatred from the people at large, not only against them, but also against those who appeared to be their partizans. Russia, however, proposed a mediation which was accepted of by their High Mightynesses, but rejected by England, & it is supposed that the Empress will in resentment of it join the general quarrel. We may hear about it in a very short time; the preparations are made meanwhile with more vigour than before; & we must hope that the honour of the country will be in short regained, but when & how the quarrel will end seems yet hid in the decrees of Providence. For my part at least I confess that I do not see sufficiently ground to build an opinion upon, unless it be the general one that England will be at last exhausted & forced to peace, but that gives not much decision, though adding 20 millions upon 12 m. and so on, & giving 21 for 12 in money appear the dying sighs of publiq credit, & that lost is England sunk. I had often the pleasure to converse with Mr Temple and the worthy Dr P. & others on that subject, but the time when this alteration should happen appear'd allways doubtfull, & the people in England seemed too much abated by Lord Gordon's affairs to make any forcible opposition against the ruinous measures of the government; should I now look out for a speedy peace, I confess it is from America & the exertions I hope that will be made there, that more then anything else will revive us in Europe; & Cornwallis & Arnold's situation by the latest accounts gave very promising hopes about it. I had expected Mr Temple here before now, as he had manifested to me & some more friends that it was his intention; but I should

suppose that the expectation since of great events & the hopes of serving his country by holding up, when it may be of service, the impossibility of succeeding in this warr for Great Brittain, is what still detains him ; perhaps there may be private matters likewise. I know at least that he did what he could to serve M<sup>r</sup> Trumbull, who was infamously taken up against the express promiss given by Lord Geo. Germain that he would be safe. M<sup>r</sup> Temple had at that time himself a hard task to sustain all the sarcasms that where thrown upon him, but he withstood them with the greatest firmness. The inter-course of writing being much interrupted now, I have not heard for some time particular accounts of him, but long to see him over here.

I join to this the newspapers he gave me for that purpose, but their being so old will render them, I am afraid, uninteresting. I wished I had others of a later date, but unfortunately have nothing but a few ministerial papers which could not offer much delight. I look only some times into them, to see how they represent matters to the people. I ought yet to have mentioned, I believe that M<sup>r</sup> Temple was very anxious about some papers he intrusted to M<sup>r</sup> Jarvis, but which I suppose this has lost in his shipwreck.

Give me leave to end now with sincerest wishes that the present troubles may soon subside, by the full triumph of liberty & humiliation of that proud country which wanted to govern the sea as a tyrant breaking thrô all the laws of nations, & that the similarity of birth, interest, & treatment from England may produce everlasting ties of friendship between the thirteen United States & this republiq. I have the honour to be with the greatest respect, Sir,

Your most obedient humble servant.

L. DE NEUFVILLE, SON OF J<sup>n</sup>.

AMSTELDAM, 1<sup>st</sup> May, 1781.

P. S. I beg that you would excuse the several faults which my copist made in this letter, using commonly one because my own writing is rather difficult to be read. It appears now that Russia is not much disposed to assist us, which we must hope wil accelerate the alliance between the two republicks proposed by H. E. M<sup>r</sup> Adams, whose memorial is received by the people at large with the greatest applause. I had lately a letter from a common friend in London which mentions M<sup>r</sup> Temple's having taken leave, thus I am in hopes of seeing him every day.

TO THE HONOURABLE J. BOWDOIN, ESQ<sup>R</sup>, LATE PRESIDENT OF THE  
GENERAL ASSEMBLY, BOSTON.

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JAMES WARREN\* TO JAMES BOWDOIN.

PLYMO, May 24<sup>th</sup>, 1781.

SIR,—I have lately received several letters from my son, dated Feby & March. He left London the 1<sup>st</sup> of Feby, & was desired by M<sup>r</sup> Temple to inform you that he should have wrote by him if it had been possible. My son writes that M<sup>r</sup> Temple intended to leave England in March, but he doubts whether he will be permitted to do it, being so very obnoxious to the ministry, tho' at the same time he thinks it would be good policy in them to suffer him to leave England, as his residence there is very prejudicial to them. He writes of M<sup>r</sup> Temple in the same stile that Trumbull did ; expresses great resentment at the suspicions that have been malevolently circulated, & wishes he was able to express his esteem in stronger language, after he had said many things, & among them that *he*

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\* James Warren was born in Plymouth, Sept. 28, 1726, graduated at Harvard College in 1745, married Mercy, sister of the younger James Otis, in 1754, and was elected a member of the House of Representatives in 1766, serving until 1774. Subsequently he was President of the Provincial Congress, and discharged other important trusts. He died at Plymouth, Nov. 27, 1808. See Drake's Dictionary of American Biography, p. 956.—EDS.

wish'd as well to the great American cause as I do. I wish you may soon have the pleasure of hearing of Mr Temple's arrival at Paris or Amsterdam. He is very narrowly watched by the ministry. My son was taken up & examined by Justice Wright & by Lord Hillsborough; & after being permitted to go at large, & after his Lordship had condescended to wish him a good voyage to the Continent, was again taken up at Margate, & all his papers examined; he supposes in expectation of finding letters from Mr Temple. Mr Robert Temple had been very ill in London, went in Decem<sup>r</sup> to Dublin & the last accounts lay at the point of death. You will please to make my compliments to M<sup>rs</sup> Bowdoin & M<sup>rs</sup> Temple. I am, Sir, with great respect,

Your obed<sup>t</sup> hum<sup>le</sup> serv<sup>t</sup>.

J. WARREN.

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JOHN TEMPLE TO BENJAMIN FRANKLIN.\*

[July, 1781.]

DEAR SIR,— It is with no small pleasure that I have it in my power to tell you I am now upon the Continent, & at liberty to write an innocent letter to a friend in another kingdom without running the risque of having Mr Wedderburn's extraordinary tallents at *constructive treason* exercised upon it. I have for a long time been wishing, waiting, & in some measure expecting, that England would open her eyes to her real interests, &, as a leading step to get out of her perilous condition, withdraw her ships & troops & treat for peace with America as a free & independent people, when a general peace might soon happily take place; but all prospects of that kind appear to be at as great a distance as they were several years ago. I therefore purpose to get back to my own country by the first good op-

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\* This letter is printed from a rough draught or copy in Mr. Temple's own hand.—EDS.

portunity, either from France, Spain, or Holland. In my last letters from Boston Mr Bowdoin expresses his earnest wish that I would not return without seeing Dr Franklin. This he need not have mentioned, for my own inclination to have that pleasure could not be heightened. I therefore mean to set out from hence for Paris upon the return of this post, when I promise myself the pleasure of receiving a line from you; and as I have not the French language, & shall probably travell alone, I shall be very much obliged to you for any information that you may think will render my journey the least troublesome, & for a pasport if it be necessary. Mr Trumbull was fortunately liberated in England a few weeks ago, & is now here with me, but, I believe, has at present no thoughts of coming to France.\* Many rumors have been propigated in England concerning your ill state of health, it is with pleasure that I have learnt since my arrival here that you are as well as you have been for many years past. That you may for many more continue so, is the unfeigned wish of, d<sup>r</sup> Sir,

Your most obed<sup>t</sup> & most affectionate h. s.

Your many valuable friends in Eng<sup>d</sup> retain the warmest & most affectionate regards for you, & I am particularly charged with the compliments of the Bishop St Asaph, the Dean of Winchester, Dr Price, & Dr Hartley, & several others.

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JOHN TEMPLE TO BENJAMIN FRANKLIN.†

Your obliging favor of the 15<sup>th</sup> inst from Passey is now before me, and I read it with the greater pleasure as it confirmed what I had before heard, that you are very well &

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\* John Trumbull was released in the beginning of June, 1781, and immediately crossed to the Continent. He met Mr. Temple at Ostend, and they travelled together in Holland for several weeks. See Autobiography of John Trumbull, pp. 78-81.—Eds.

† A rough draught, unsigned, indorsed by Temple: "Copy to Dr Franklin, Amsterdam, July 26, 1781." — Eds.

in good spirits. The several circumstances you have mentioned are sufficient to have determined me not to come to Paris, especially as the Minerva, Capt. Brown, from Newbury, arrived here since I wrote to you, and the Capt. tells me he expects to return to the same port in the course of the next month. The ship you mention to be about sailing is so crowded, and with such a variety of characters, that it would not have been very agreeable to me to have embarked on board her. But the Minerva, I trust, will be a good and safe conveyance. My being considered where you are as *a doubtful character* not a little surprized me, as I had not the most distant idea of it. The series of trouble & mortification I have had from the beginning of the contest, the sacrifices I have made, the losses & persecution I have sustained, but ill agree with any want of friendship for the cause of my country or my having any secret connection with the English Minister. Nevertheless, to see that same Minister, if I could, was one part of my errand in returning from America about 2 years ago, and I did see him, and talked to him for more than two hours, on the first day I got to London. Let me shortly state the matter to you. After I had been 5 or 6 months at Boston, & in the other Northern States, the English newspapers arrived with the examination of Galloway at the bar of the House of Commons, & the speeches of Eden, Johnstone & others in Parliament, all concurring & labouring to make the people of England believe that the independence of America could not be maintained, for that dissensions & discord were in their councils, their paper medium ruined & at an end, & 4/5<sup>ths</sup> of the people disposed to get rid of the tyranny of Congress & return under the government of Great Britain. These, you will remember, were the sentiments at that time urged by the apostate Johnstone & other Ministerialists in Parliam<sup>t</sup>, & the minority had to contradict those sentiments. I had, before the arrival of these speeches, been deliberately through the Northern &

Middle States, & at Philadelphia had conversed with some of the first people from the Southern States, and therefore, personally knowing that such sentiments so advanced by the perfidious Johnstone, Eden & others (who had never been without the lines of the British Army) were utterly false, proposed to my friends at Boston to return immediately to England and there state the matter as I personally knew it to be, to the Minister if I could get access to him, or, if not, to give the minority an opp<sup>t</sup>y of bringing me to the bar of the House, where I might confront these false informations that had so basely been given by Galloway & supported by Johnstone & Eden. M<sup>r</sup> B., D<sup>r</sup> C., D<sup>r</sup> C., D<sup>r</sup> Winthrop & others, highly approved of the idea of my coming, pleased with an expectation that such an evidence as myself, who had so lately been in the United States & personally knew the sentiments of the people, might probably invalidate Galloway's information & be the means of the English Ministry giving up the contest & turning their thoughts to peace, upon a full acknowledgement of the independency of those States. I lost no time in getting to London &, on the first day of my arrival there, had a free conversation with L<sup>d</sup> North for more than two hours. My endeavours were to establish in his mind the serious truth, viz<sup>t</sup> that, to my personal knowledge, the people of America were united in their determination never to return under the government of Britain, and that, upon y<sup>e</sup> observation I had made upon what I had seen & heard upon the spot, I was clear in opinion that, however long or distressing the war might be continued for that purpose, it would in the end be found fruitless. This was the text upon which I descended to the utmost of my abilities. His L<sup>d</sup>ship appeared to be both staggered & disconcerted, said he had had information almost directly opposite to what I had given, that M<sup>r</sup> [illegible] was tired of the business & was coming home. I was astonished at the load of misinformation

with which his mind was crowded, but at the same time thought I had made no small impression upon him, but feared that might be soon erased by those whose sentiments he is obliged to adopt. Since that interview I have never seen L<sup>d</sup> North, nor have I ever had any conversation of any kind with any other of the Ministry, or with their adherents. Since I have been in England my acquaintance has been many, my intimates but few. The D. of Rutland, David & Winchcomb Hartley, D<sup>r</sup> Price, Dean Ogle, M<sup>r</sup> Townshend, & one or two more, composed the circle I lived in, and I believe I did an essential service to my country in fortifying the minds of the minority from time to time against the false reports invented by our enemies, and I have been waiting in hopes & expectation of the truth's prevailing at last in the mind of the Minister, whoever he be, when peace might be the happy consequence. Had the views I went to Eng<sup>d</sup> upon been successful, had the truths which I carried been attended to rather than Galloway's falsehoods, I think I sh<sup>d</sup> have done a most essential service; at any rate, my country is welcome to my endeavour. I have faithfully done it all the good that was in my power; I never was, or will be, other than its friend. The cause of America is a just one & would remain unalterably so in my mind even if still more extraordinary & unaccountable events sh<sup>l</sup> occur in the maintaining of it. Why should I be surprized at the suspicions you mention when I see that like, or greater, suspicions are raised on purpose to shake the characters of the first & best friends & servants of America on both sides the water? God grant that the cause, good as it is, may not be deeply injured or disfigured by such unaccountable suspicions! Do not affairs begin to wear a complexion something like the famous Salem Witchcraft, which got to such a height that Judges, magistrates & the best people were accused of being wizards? You will laugh, but, upon my honor, knowing

what I know and hearing what I have heard, the resemblance strikes me forceably. Independent of personal regard, some of the best friends to the liberty of mankind now in England have been grieved at the attacks lately made in the prints upon the character of Dr F., a name gone forth in glory to the world (I dont mean to compliment). It is a public name, which in the history of America must be either one of its greatest ornaments or a disfigurement to it, there can be no medium. *A sincere friend of yours*, who hath the most unshaken faith that it will be the first, defended that character from an attack in the Courant and asked the printer how he, in a paper which he called patriotic, could publish such a piece concerning such a person. He replied it was sent over to be published by a person on this side the water whom I have since seen squinting about this place, but w<sup>th</sup> whom I have never exchanged a word. I mention this to shew what reptiles & vermin may raise a dust, what little creatures may attack even any character; and I do in my conscience believe that Britain hath her incendiaries placed about for the purpose of disseminating suspicion & distrust of each other among the most sincere friends to the American cause. The atrocious villain who worse than rob'd the poor pensioners of their stipend in Eng<sup>a</sup> I have ever thought to be in that way. I have seen your letters to Mr Hodgson in Lond<sup>o</sup> concerning that affair & my indignation was inexpressible.

The other part of my view in coming to Europe was concerning myself principally, which Mr B. urged me to. You know we were dismissed from our several employments under the Crown of England at one & the same time and for one & the same cause. That cause must be full in your remembrance. Had the eight gentlemen to whom a communication of the utmost importance to the welfare of our country not violated the most positive injunction from you, neither you nor I w<sup>d</sup> have been

dismissed. I sh<sup>d</sup> not have lost £1000 a year sterling and as good an interest in Eng<sup>d</sup> as p<sup>r</sup>haps any American could then boast of, nor have been put to the risk of my life & obliged to suffer the thousand anxieties & mortifications I have since endured. Those gentlemen, however, for the salvation (as they thought & I believe rightly thought) of our country, did violate the injunction that was sent over with incendiary letters & papers, and the consequences I have mentioned followed. It was never in my power, after hostilities commenced, to get home with my family sooner than I did ; but I never had a doubt that, when I sh<sup>d</sup> be so happy as to get home, my country would compensate my pecuniary losses. My other sufferings it was not in their power to compensate. And when I was in America I stated the matter to the seven survivors of those eight gentlemen (M<sup>r</sup> Pitts died before my arrival) who all acknowledge the unspeakable advantage those letters gave them in that early stage of their troubles, as they were the first positive proofs of the designs & plan machinating against the liberties of the country by men who had such unbounded influence ; but they declared that, though they knew I had suffered in Eng<sup>d</sup> on that acco<sup>t</sup> upon conjecture of the English Ministry, they never had the least knowledge or intimation of my having had any share or hand in bringing these documents to light and to the eyes of my country. I told them I had been privy to the whole transaction ; *that it was through my means that you were able to obtain them ; that they were obtained in an honorable way* ; but, to save an innocent person, whose bread depended on the Ministry & who would have been suspected, the most positive injunction from you, at my request, accompanied those letters, which injunction they thought necessary for the public welfare to violate, and the consequences were the dismission & losses I have mentioned. They expressed a wonder that I return'd home at that time without first

writing to you for such a statement of the matter as would leave my claim upon them without a doubt; for that, if it was manifested to them that I had the claim I then made, they in conscience sh<sup>d</sup> think themselves doubly bound (seeing they had broke the injunction) to see that I was compensated to the utmost. I told them, in the first place, it was an affair which I would never have ventured to *write a line from Eng<sup>d</sup>* to you upon, for I had *felt* sufficiently to deter me from running the risk of making fresh enemies; and, in the next place, that I had concluded Dr Franklin, when in America, had so clearly stated the whole of that memorable affair that I could not fail, on my return home, of receiving any amends that was in the power of my country. Mr Cushing, to whom the letters & injunction were particularly enclosed, said that your private letter to him, with the direction concerning the documents, was lost or mislaid during the time the British troops were at Boston, that he could not recollect precisely what your injunction was; but they all agreed that if I had the share in that meritorious business which I said I had (but which could only be ascertained from Dr F.) they sh<sup>d</sup> think themselves in honor & conscience bound to attend to my interest, and, least any accident sh<sup>d</sup> happen to me, for the benefit of my family they signed a paper to that purpose before I left Boston.

Thus have I, in as clear a manner as I am able, stated to you my views in coming to Europe, and all that I have now to request is that you will, in your own way & according to your own idea of justice to me, send me such a testimonial as you may think proper. I do not wish you to write a word upon this business (tho' so interesting to myself & to my children), or upon the former part of this letter, but what conscience clearly dictates to you. You was my fellow-sufferer & greatly suffered, but our country has made you every amends that was in its power, at which I have sincerely rejoiced, and have detested the

little envious people who have strove to deprive you of the large share you have had in the preservation of its liberties. I am now going home, where I hope to lay my bones, without ever seeing Europe again. This last trip hath cut deep into the remains of my patrimony. I, however, have a bountiful friend in Mr Bowdoin, and, at the same time, I have full faith that, when testimony is borne to the justice of my claim, myself or my children will not be total losers by the most important event of my life, an event that a sceptre would not tempt me to experience again.

You must not expect a correct letter from me, especially a letter intended for the eye only of a friend. I never could write correctly, but I hope to be understood. Had I seen you, as I wished to have done, I had many anecdotes to have communicated, which would p'rhaps have been entertaining & some, I believe, usefull to you. Pulteney has been a rascal both to you & to me, but both himself & his brother Judas are now in contempt, even in England! However desirable to me, it would be too troublesome for you at your time of life, or even for myself at 50, to exchange sentiments on paper upon many events that have happened. It is more than probable now that I shall never see you, but be assured that I most sincerely wish you a calm & pleasant evening of life and unceasing happiness forever after, for I am, with unfeigned esteem & regard, d<sup>r</sup> Sir,

Your most obed<sup>t</sup> &c.

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LORD WALSINGHAM\* TO JOHN TEMPLE.

UPPER HARLEY STREET, Aug<sup>t</sup> 9<sup>th</sup>, 1781.

SIR, — I have made the proper communication of the different letters which you have written to me from Ostend

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\* Thomas de Grey, 2d Baron Walsingham, was born July 14, 1748, succeeded his father, who was an eminent lawyer and jurist, in May, 1781, and died Jan. 16, 1818. From Sept., 1780, until some time in the following year he was one of the Lords of Trade. — EDS.

in addition to those which I had received from you in England; and I am authorized to acquaint you that no offers will at present be made on the part of Great Britain, lest they should be treated with the same contempt that the Commissioners were upon a former occasion, & lest undue advantages should be taken in America of the liberal disposition which prevails here; at the same time his Majesty's ministers are ready to listen with the utmost attention to any offers that may be made by yourself, or by M<sup>r</sup> Adams, or by M<sup>r</sup> Laurens, or by any other person who can communicate with certainty the sentiments of America to the Secretary of State for that department. And you may be assured of meeting with the most sincere and earnest desire to put an end to the war upon safe, honourable, & constitutional terms. You will do me the favor to acknowledge the receipt of this letter, and believe me, Sir,

Your obedient humble servant.

WALSINGHAM.

J. TEMPLE, Esq.

Indorsed: "Rec'd the day I embarked from Holland for America."

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JOHN TEMPLE'S DECLARATION TO THE COUNCIL OF  
MASSACHUSETTS.\*

Docter Franklin and M<sup>r</sup> Temple were in the Year 1774 upon one and the same day, and for one and the same cause, dismissed from the several employments they held under the Crown of Great Britain, expressly for their

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\* This document is printed from an attested copy to which Mr. Temple has prefixed the following heading: "Mr. Temple's Declaration to the Council, which, at their request, was submitted in writing." In a volume of Historical Pamphlets in the Library of this Society is a statement signed "Narrator," printed on three sides of a newspaper sheet, indorsed "A Faithfull Narrative of the Conduct of the Governor and of the Proceedings of the General Court concerning Mr. Temple, from his Arrival at Boston in Octo<sup>r</sup>, 1781, to the present 27<sup>th</sup> May, 1783." It is without imprint, and was presumably sent out with one of the Boston newspapers. The internal evidence shows that it was written by Mr. Temple himself. — EDS.

attachment to the American cause; and particularly for their having obtained, and transmitted to the State of Massachusetts, certain original letters & papers which first discovered with certainty the perfidious plans then machinating against the freedom & happiness of the then Colonies, now independent States in North America. M<sup>r</sup> Temple by such dismission lost upwards of a thousand pounds sterling p<sup>r</sup> ann. besides several very honorary appointments under that Crown. Doct<sup>r</sup> Franklin's loss was about £500 a year. Doct<sup>r</sup> Franklin soon after returnd to America, and met with every mark of respect & gratitudo that was in the power of the State to which he belonged, to confer upon him. M<sup>r</sup> Temple made every effort to obtain permission to leave England with his family but without success, until the summer of 1778, when he with his family, returned also, and was received with kindness & respect by the State of Massachusetts, to which he belonged. He was also by the Hon<sup>ble</sup> Council of that State, as well as by the Council of the State of New Hampshire, by Gen<sup>l</sup> Washington, by the Gov<sup>r</sup> of Connecticut, the Governor of New Jersey, the Lieut<sup>t</sup> Gov<sup>r</sup> of Rhode Island and by many of the most respectable private characters in the Northern & Middle States, recommended in the most handsome manner to the supreme power of the United States.

Upon M<sup>r</sup> Temple's return from Congress to Boston, he found by the speeches (then just arrived) of Gov<sup>r</sup> Johnstone, Lord Carlisle, M<sup>r</sup> Eden and others in Parliament, as well as from the examination of M<sup>r</sup> Galloway & General Robertson at the bar of the House of Commons, that it was there asserted & maintained, that *four fifths* of the people of America were well disposed to return under the government of Great Britain; that Congress could not continue a resistance to the sovereign power of Britain even for another year; that the state of their paper currency and their violent internal divisions were such as

would throw the whole continent into confusion *in less* than the course of a year. Mr Temple, being fully persuaded from personal observation upon the spot, as well as from the sentiments of the most respectable & well informed gentlemen of the several States he had passed thro', that such assertions were totally without foundation, and being at the same time personally well acquainted with those of the minority in England who are sincere & faithful friends to the independence & welfare of these United States, who wished to know *facts* in order to counteract such false representations, immediately entertained the idea of going back to Europe, and into England, if he should find by some friends then at the German Spaa, that he might with personal safety venture into that kingdom, and there confront, & to the utmost of his power invalidate, such misrepresentations as had been so made by the said Lord Carlisle, Johnstone, Galloway, and others. Mr Temple's idea met with the approbation of his particular friends. He therefore embarked for Holland in the m<sup>o</sup> of May, and, soon after his arrival there, cross'd over into England, and in less than twelve hours after he got to London had an interview & a long conversation with Lord North, when in the most express and positive terms Mr Temple assured his Lordship that the *real state* of affairs in America was almost directly opposite to the representations that had been made in the House and at the bar of the House of Commons. *Vide* Mr Temple's declaration published in the London Courant of 6<sup>th</sup> Dec<sup>r</sup> last, which, tho' not apt to attend much to out doors clamour, he was in a manner compelled to publish at that time when the ministerial vengeance was levelled at him upon the disclosure of Mr Laurens's letters & papers & those found upon Mr Trumbull. Mr Temple never afterwards had any interview with Lord North or with any other of the British Ministers, though he still continued in England by advice and at the earnest request of the most sincere

and able friends to America that are in that kingdom, purposely, & for no other business than to serve his country, by counteracting the poison that was daily disseminating there and hoping from day to day that the governing powers of that kingdom would listen to truth, open their eyes to the precipice they were upon, see the utter impracticability, as well as the injustice, of their views, and at once acknowledge the independence of these United States ; but in all this Mr Temple found himself much disappointed. He was however continually employed in invalidating the falsehoods from time to time advanced by Galloway and other wretched fugitives from this country, and in stating matters as they really were to enable our friends in both Houses of Parliament to contradict & oppose to the utmost such false & base assertions as were made of the state of affairs in this country, but finding, after a long & tedious waiting for the happy event which he had hoped for, that the British ministry, regardless of the advice & opinion of the most able men in that kingdom, were *determined* to continue the war, with these States, even to the last stage of their own ruin rather than (do, what in Mr Temple's opinion they *now* of absolute necessity *must* do) acknowledge the independence of these States, he determined in his mind to return home to Boston, but could not think of coming away without first endeavouring to assist Mr Trumbull to obtain his liberty ; he felt for a worthy gentleman in confinement in an enemy's country with few, very few, friends to do him any kindness further than making him a transient visit. Mr Temple therefore revolved that business in his mind & exerted his interest with his private friends to obtain Mr Trumbull's liberation, which in a few weeks after was happily affected. Mr Trumbull will gratefully acknowledge that Mr Temple was not a little instrumental to such his releasement. The very day after Mr Temple had assurances that this business was happily effected, he

set out for Dover & cross'd over to Ostend; from Ostend he and M<sup>r</sup> Trumbull proceeded to Amsterdam in Holland, there to seek a passage home to New England. M<sup>r</sup> Trumbull embarked on board the Charlestown Frigate bound for Philadelphia, M<sup>r</sup> Temple on board the Minerva for Newburyport; he arrived at Cape Ann on the 23<sup>d</sup> inst<sup>t</sup> at night, and on the following day came to Boston, of which he had the honor to inform his Excell<sup>y</sup> the Governor of the State as soon as it was in his power after he got to town, and also to acquaint his Excell<sup>y</sup> that he was charged with letters, he believed of importance, to the Congress from his Excell<sup>y</sup> M<sup>r</sup> Adams, minister in Holland, and praying the Governor's advice (or direction) how they should be disposed of. On the day after M<sup>r</sup> Temple, received a summons, of which the following is copy.

TO MR. JOHN TEMPLE.

COMMONWEALTH OF MASSACHUSETTS.

IN COUNCIL Oct<sup>r</sup> 26<sup>th</sup>, 1781.

Ordered that M<sup>r</sup> Jn<sup>o</sup> Temple lately arriv'd in this Commonwealth f<sup>m</sup> Europe be and hereby is directed to attend at the Council Chamber at 4 o'clock this afternoon.

True copy.

Attest. JOHN AVERY, Sec<sup>y</sup>.

M<sup>r</sup> Temple instantly obeyed the order and, when directed, had the honor to approach the Board, where he answered to such questions as were put to him, and, as nearly as he can recollect, to say in substance what he hath here written. He moreover, to invalidate some malign *whispers* of persons whose names were not mentioned to him which his Honor the President of the Council informed him had been circulated to his disadvantage,\* voluntarily declared it was clearly his opinion that

\* The President said he had heard from *a somebody* that, when M<sup>r</sup> Temple was last in America it was his wish to destroy or unhinge the alliance between France and the United States. Hearsays & whispers from nameless somebodys are but visionary evidence, little

the freedom & happiness of these United States had been saved by their alliance with the Kingdom of France, that he was fully persuaded Great Britain would by arms have carried her point against this country if it had not been for the seasonable & manly interposition of that power, and that he hoped for the honor of his country that the spirit of whatever treaties may have been entered into at forming that alliance would be inviolably adhered to.

JOHN TEMPLE.

BOSTON, 30<sup>th</sup> Octo<sup>r</sup>, 1781.

True Copy.

Attest.

JOHN AVERY, Sec<sup>y</sup>.

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SAMUEL KIRKLAND\* TO THE MISSIONARY BOARD.

THE HONORABLE MEMBERS OF THE BOARD OF SCOTCH COMMISSIONERS IN BOSTON, GENTLEMEN: — It is now about nine years since I was taken under the patronage, & entered on the service, of the Society of Scotland, as a missionary to the Indians, particularly those tribes called the Six United Nations; but was put immediately under your care & direction for my support. For the two first successive years after my engagement I received thro' your hands the salary allowed me by that Honorable Body, viz., £100 ster<sup>g</sup> p<sup>r</sup> an., with the addition of £30 ster<sup>g</sup> in consideration of my being my own interpreter. Upon the commencement of hostilities your Board were dispersed (& one of the members in England till lately)

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expected to have been met with at the Council Board! Such can only be answered by *flat negations*. Let the person or persons to whom Mr Temple mentioned his disapprobation of the alliance stand forth & maintain the fact. 'Tis a base & malignant falsehood.—*Marginal note in the handwriting of John Temple.*

\* Rev. Samuel Kirkland was born in Norwich, Conn., Dec. 1, 1744, graduated at the College of New Jersey in 1765, and was ordained at Lebanon in June, 1766. He was one of the best beloved and most efficient of the missionaries to the Indians. He died at Clinton, Oneida County, N. Y., Feb. 28, 1808. See a memoir of him by his grandson, Rev. Dr. S. K. Lothrop, in 2 Sparks's American Biography, vol. xv. pp. 137-369. — EDS.

which hath prevented any regular meeting, or your affording me any support.

Individual members of your Board thro' this long interval have repeatedly advised & requested me to persevere in the business of my mission, tho' under great embarrassments, & wait the event of Divine Providence for my being supported in the usual way. I have accordingly prosecuted my mission & served the real interest of the Society, tho' not without considerable interruption, increasing difficulties & expence. The former means of support being suddenly cut off by the war, application was made to Congress in the month of Octob<sup>r</sup>, 1775, for some present relief on my behalf, that the mission might not be wholly frustrated. They granted me the stipulated salary for the term of one year, since which I have received but a very small proportion. I am now so reduced & involved that I cannot prosecute my mission to any advantage, & with the shaddow of justice to my suffering & growing family, unless I have immediate assistance. Nor do I know any means by which I can extricate myself from present pressing straits without some relief from the Honorable Board, if it be within their reach.

The Oneidas & Tuscaroras, to whom my labors have for some time been confined, are utterly unwilling to have me relinquish my ministerial charge of them, altho' I cannot constantly & so stately reside with them during the war as I did heretofore. They desired me to lay the matter before the Hon<sup>ble</sup> Board of Commissioners; and I earnestly request your advice & kind aid in my present situation. The disposition & circumstances of the Indians are such that it would hurt my feelings to immediately dissolve the connections which have so long subsisted between us; nor should I chuse to do it without the knowledge and approbation of the Society.

I am not now prepared, but purpose e'er long to lay before the Honorable Board an exact account of all the

support I have had by charities and otherwise, with my expences since the year 1774 to the present day, and am, gentlemen,

Your obedient and obliged humble servant.

SAM<sup>L</sup> KIRKLAND, MISS<sup>RY</sup>.

BOSTON, 2<sup>d</sup> Nov<sup>r</sup>, 1781.

REV<sup>D</sup> DR MATHER, CLERK.

JONATHAN TRUMBULL\* TO JAMES BOWDOIN.

LEBANON, 12<sup>th</sup> Novem<sup>r</sup>, 1781.

DEAR SIR,—I congratulate you on the important success of the allied arms at Chesapeak. L<sup>t</sup> General Earl Cornwallis may now return to Great Britain, and condole with L<sup>t</sup> General Burgoyne on their similar situation,—likewise on the safe arrival of the Hon<sup>ble</sup> J. Temple, Esq<sup>r</sup>, to his native country, his family and friends. My son John is not arrived; am waiting with concern for him. In a letter to me from Amsterdam, 13<sup>th</sup> July last, he says,—“M<sup>r</sup> Temple is come over hither from England; it is my duty to say, that the paragraph in the London papers, advertising me as an incendiary, and signed with the initials of his name, was a villainous trick of some American Refugees to ruin him and me at once. I fear you never received a letter which I wrote at that time, enclosing the paragraph and explaining it. This, however, will remove all idea of his being such a person, for on the contrary I have every reason to believe that he is an honest friend to his country.” I thought it might be agreeable to you to know this, and perhaps of some service to M<sup>r</sup> Temple. With every sentiment of esteem and regard, I am, dear Sir,

Your most obedient, hble. servant.

JON<sup>TH</sup> TRUMBULL.

HON<sup>BLE</sup> JAMES BOWDOIN, ESQ<sup>R</sup>.

\* Jonathan Trumbull was born at Lebanon, Conn., Oct. 12, 1710, and died there Aug. 17, 1785, leaving a high reputation for stainless character, sound judgment, and more than usual ability. From 1769 to 1783 he was Governor of Connecticut. See Appleton's Cyclopaedia of American Biography, vol. vi. p. 168.—EDS.

JAMES BOWDOIN TO GEORGE ERVING.\*

BOSTON, May 4, 1782.

DEAR SIR,—I wrote you y<sup>e</sup> 12<sup>th</sup> March, 1781, p<sup>r</sup> M<sup>r</sup> Ja<sup>s</sup> Jackson, since which I have not had y<sup>e</sup> pleasure of a letter from you till yesterday, when I rec<sup>d</sup> your obliging letter of y<sup>e</sup> 11<sup>th</sup> April, 1781, enclosing duplicates of those of y<sup>e</sup> 20<sup>th</sup> Sept<sup>r</sup> & 17<sup>th</sup> Feby preceeding. I am much mortified that y<sup>e</sup> letter you left for me among my books never came to hand. I found a catalogue, and perhaps y<sup>e</sup> same you mention, but there was no letter or anything else enclosed in it. You have been very unlucky with regard to y<sup>e</sup> papers & acc<sup>t</sup>s you had divers times copied & forwarded to your father. However, I am glad I can inform you that he rec<sup>d</sup> your letter of y<sup>e</sup> 3<sup>d</sup> Sept<sup>r</sup> last, with accounts & a power of attorney enclosed. He communicated them to me. I observe you have joined me in the power, and that it is your wish it might supercede M<sup>r</sup> Sam<sup>l</sup> Hewes's agency. I told you in a former letter, and I now repeat it with great sincerity, that it w<sup>d</sup> afford me the highest satisfaction to render you any service, either as y<sup>r</sup> attorney or in any other character. But it is my duty to tell you, what you appear to be apprehensive of, that your power will not annul M<sup>r</sup> Hewes's agency according to the operation of y<sup>e</sup> present laws. As agent he had been, before y<sup>e</sup> letter of Sept<sup>r</sup> last came to hand, endeavouring to settle with y<sup>r</sup> former attorney, M<sup>r</sup> Edw<sup>d</sup> Davis, but he refer<sup>d</sup> him to y<sup>e</sup> Com<sup>tee</sup> of Sequestration, to whom, he said, he was oblig<sup>d</sup> to deliver y<sup>e</sup> goods he had of yours under his care, or that they took them into their possession. On receiving y<sup>r</sup> s<sup>d</sup> letter, y<sup>r</sup> father sent for me, and

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\* George Erving was the second son of the Hon. John Erving, and a brother-in-law of Gov. Bowdoin. His first wife, to whom he was married in 1768, was Lucy, daughter of Isaac Winslow, of Roxbury. She died in 1770, leaving one son; and in 1775 he was married to Mary MacIntosh, daughter of Isaac Royall, of Medford, who died childless in 1786. Mr. Erving survived her twenty years, and died in 1806. See 2 Proceedings, vol. v. p. 10.—Eds.

we thought from your recommendation of M<sup>r</sup> Hewes, & from his gen<sup>i</sup> character, it was fortunate that so honest & suitable a man had been appointed agent for you, and we supposed it w<sup>d</sup> meet with your approbation to deliver him the s<sup>d</sup> accounts after he had settled his own against you. Accordingly he was told so, and he said he w<sup>d</sup> make out & exhibit his acc<sup>o</sup> as soon as he conveniently could. But he has not yet done it. As soon as he does, if no objection occurs to his acc<sup>o</sup>, it will be further considered whether it will be proper to deliver him y<sup>e</sup> s<sup>d</sup> accounts, w<sup>ch</sup> y<sup>r</sup> father desired me to take, and they are at present in my hands; and I shall observe his directions concerning them. If they are put into M<sup>r</sup> Hewes's hands, he will receive whatever is recoverable on them, and from the nature of his office as agent must dispose thereof according as y<sup>e</sup> law directs, independently of your attorneys or yourself. When I am further informed of the state of your affairs here I will inform you.

Last Aug<sup>st</sup> I rec<sup>d</sup> a letter from M<sup>r</sup> John Sparhawk, written at y<sup>e</sup> request of Lady Pepperrell, enclosing a copy of y<sup>r</sup> letter to her dated y<sup>e</sup> 24<sup>th</sup> Feby, 1781, & desiring me as your attorney to draw, or at least endorse, bills on you to y<sup>e</sup> am<sup>o</sup> of y<sup>e</sup> sum mentioned in y<sup>e</sup> s<sup>d</sup> letter. I wrote in answ<sup>r</sup> that I had not rec<sup>d</sup> any power of attorney from you, but had you authorized me expressly to draw bills on you I sh<sup>d</sup> not be inclined to do it at y<sup>e</sup> then low rate at w<sup>ch</sup> bills were sold, unless I knew that you had been previously informed of y<sup>e</sup> rate & consented to it, in w<sup>ch</sup> case y<sup>e</sup> drawer could not be charged with doing what you would otherwise have a right to think an essential injury to you. I hope this prevented any bills from being drawn on you, as exh<sup>a</sup> at that time was 25 & 30 p<sup>r</sup> c<sup>t</sup> below par, but I have not heard what was finally done. Bills now are from 10 to 15 p<sup>r</sup> c<sup>t</sup> below par. Agreeable to y<sup>r</sup> request I will make enquiry into y<sup>e</sup> state of y<sup>r</sup> late father M<sup>r</sup> Winslow's affairs, and let you know y<sup>e</sup> result.

Y<sup>e</sup> manuscript essay on potash is not yet found. It was not in y<sup>e</sup> drawer of y<sup>r</sup> writing table when it came into y<sup>e</sup> hands of y<sup>r</sup> nephew, my son, to whom y<sup>r</sup> sister Waldo presented the table in your name, for w<sup>th</sup> he esteems himself much obliged to you, and desires me to repeat his thanks. M<sup>rs</sup> Waldo will make a further search for y<sup>e</sup> manuscript, and when found your desire shall be complied with. We all rejoice with you in y<sup>e</sup> restoration of Sister Erving's health, y<sup>e</sup> continuance of y<sup>r</sup> own, and y<sup>e</sup> agreeable prospects you have w<sup>th</sup> regard to your son's good disposition & genius.\*

The letters to me abovemention<sup>d</sup> are all I have rec<sup>d</sup> from you. They were enclosed to me in a letter from my nephew, M<sup>r</sup> John Erving, Jun<sup>r</sup>, rec<sup>d</sup> yesterday by a flag from New York. He writes that you desire him to mention to me the death of Col<sup>o</sup> Royall, that he died of y<sup>e</sup> small pox y<sup>e</sup> 16 of Oct<sup>o</sup> last, that he left the Medford estate together with the Walpole farm to M<sup>rs</sup> Erving, the rest of his lands in America to his grandchildren, and that he appointed me with M<sup>r</sup> Fran<sup>s</sup> Dana, M<sup>r</sup> Oliver Wendell, & M<sup>r</sup> Willis (Hall, I suppose) his ex<sup>rs</sup> for the management of the Ameriean estate. I am sorry for the death of my good old friend, more especially at this time, as it may affect yours & M<sup>rs</sup> Erving's interest. How the bequest will operate according to the present laws I do not know. For more than a year past a libel exhibited by y<sup>e</sup> Attorney Gen<sup>l</sup> has been depending in y<sup>e</sup> inf<sup>r</sup> court of Middlesex for y<sup>e</sup> confiscation of the estate in that county. M<sup>r</sup> Willis Hall (who has acted as attorney for Col<sup>o</sup> Royall) by my advice employed M<sup>r</sup> Lowell to defend the action in behalf of Col<sup>o</sup> Royall, and no judgment of court has been yet given against the estate in that county, nor anywhere else that I have heard of, except in Bristol in y<sup>e</sup> State of Rhode Island. M<sup>r</sup> Hall & myself

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\* George William Erving, afterward minister of the United States to Spain, and a Corresponding Member of this Society. — EDS.

in behalf of Col<sup>o</sup> Royall, soon after y<sup>e</sup> libel was exhibited, represented to y<sup>e</sup> Gen<sup>l</sup> Court his true character & conduct, & petitioned that he might have liberty to return hither, & that y<sup>e</sup> libel against his estate might be totally discontinued, or at least suspended till his arrival. The Court have from time to time postponed y<sup>e</sup> consideration of y<sup>e</sup> petit<sup>n</sup>, but it has operated to suspend the process at y<sup>e</sup> inferior court. M<sup>r</sup> Hall has acted all along as Col<sup>o</sup> Royall's attorney, and living at Medford, where y<sup>e</sup> estate is, and being a judicious, honest man & fully acquainted with y<sup>e</sup> Colonel's affairs. I should think it adviseable that he should act as executor, which be assured will not prevent my doing everything in my power for yours & M<sup>rs</sup> Erving's interest. I am not capable of giving any further information in this affair at present, only that an authenticated copy of the will may be needful, and that M<sup>r</sup> Hall should be furnished with money to employ council, and do what is necessary to be done. Y<sup>r</sup> instructions should also be given at y<sup>e</sup> same time.

Mine & M<sup>rs</sup> Bowdoin's most affectionate regards wait on you & y<sup>r</sup> good lady, in w<sup>ch</sup> all your other friends most cordially join. With every sentiment of y<sup>e</sup> most perfect esteem, I am, dear Sir,

Yrs.

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JAMES BOWDOIN TO GEORGE ERVING.

BOSTON, July 20, 1782.

D<sup>r</sup> SIR,—The foregoing of the 4<sup>th</sup> of May is copy of y<sup>e</sup> last letter I had y<sup>e</sup> pleasure of writing to you. It went ♠ Trowbridge in the Firebrand by way of Amsterdam. I this day rec<sup>d</sup> your favours of the 8<sup>th</sup> Dec<sup>r</sup> (the duplicate) & the 9<sup>th</sup> Feby<sup>y</sup> last. M<sup>r</sup> Hews has not yet exhibited his account, nor have the papers you sent been yet delivered

to him. I have made enquiry of M<sup>r</sup> Sam<sup>l</sup> Winslow into the circumstances of his late father's affairs, and he gave me a very candid account of them, so far as he appeared to be acquainted with them. He says, his father when he left Boston took with him all his bonds & other securities, which when he died at New York fell into the hands of M<sup>r</sup> Isaac Winslow, one of his executors, who, he presumes, is still possessed of them, except a few w<sup>th</sup> the s<sup>d</sup> executor sent to him, and on which he has received some money in part of his own and his sister's share of the estate ; that the Com<sup>tee</sup> of Sequestration took possession of the furniture and sold it, but does not know how the money was applied; that several peices of land under mortgage to his father, the mortgages being on record, had been libelled in this county and would probably be declared forfeited, but having employed a couple of lawyers in the case, no judgment of court has yet been obtained against them. With regard to other securities (from persons in Massachus<sup>ts</sup>) not recorded, he did not seem apprehensive of any other danger than might arise from the possible failure of the persons from whom they are due ; that he has not had any administration granted to him on his father's estate, nor had anything to do with it farther than what is above mentioned. With regard to his late mother's real estate, he says, it is not subject to forfeiture ; that the Penobscot lands nothing had been transacted about them, nor could be, as there is a British garrison in the neighbourhood of them. The lands at Falmouth & its vicinity he had lately administered upon, and should do his best for the concerned. He farther told me that while his father was in Boston during the blockade, he remitted a considerable sum of money on his own account to Gov<sup>r</sup> Hutchinson in London, w<sup>th</sup> afterwards was put into the hands of M<sup>r</sup> Rich<sup>d</sup> Clarke. Out of this sum the widow has received her legacy of £1000 st<sup>g</sup>, and that there remains a large ballance due to the heirs. If he

is not mistaken in this matter, you can probably come at that bal<sup>a</sup> in behalf of your son. This is the substance of the account he gave me. I desired him to write you on this subject by this opportunity, and he told me he would. He mentioned also that in Connecticut, in consequence of an Act of that State, debts due to his father to the amount of £1000 had been paid into their public treasury. You mention that a copy of M<sup>r</sup> Winslow's will & a list of debts were enclosed. I suppose they accompanied your original letter, w<sup>ch</sup> I have not yet rec<sup>d</sup>.

I have lately rec<sup>d</sup> a letter from Sir W<sup>m</sup> Pepperell, with a copy of Col<sup>o</sup> Royall's will. The latter is in circulation among some of the parties mentioned in it. When the executors, M<sup>r</sup> Wendell, M<sup>r</sup> Hall, & myself, (no other of them being in America) have had opportunity of considering it jointly, I will do myself the pleasure of writing to Sir William; in the mean time please to present my respectful comp<sup>ts</sup> to him. M<sup>r</sup> Hall has frequently told me he has from time to time given Col<sup>o</sup> Royall an account of his affairs here, and I will desire him to send you an account of them, particularly with regard to y<sup>e</sup> Medford and Walpole estates. What sum he has advanced for Col<sup>o</sup> Royall I do not know; but I have heard him say, he relied on the Colonel's honour that it would be repaid to him. He would have drawn bills on him for it, had not exchange been at so low a rate. It is my belief that M<sup>r</sup> Hall has acted with great care and fidelity in the Col<sup>o</sup>'s affairs, & has managed as prudently and as well as any other man could; & therefore if it should turn out that the estate should be declared forfeited (in which case no part of it can be applied to reimburse M<sup>r</sup> Hall the expence of defending it for the Colonel & his heirs), he will have a just demand on them for a reimbursement. No judgment of court in Massachusetts has yet been obtained against the s<sup>d</sup> estate, & I hope will not be; but to prevent it, as there has been so there must be one lawyer at least engaged, &

he will expect to be paid. This being a thing so essentially necessary for you in particular with regard to the libels depending against the Middlesex estate, that, was I circumstanced as you are with respect to it, I should think my attorney ought in justice to me to employ a lawyer in defence of my right, although from my distance & consequent unacquaintance with y<sup>e</sup> circumstances I had forbidden it. I have consulted your father, & he approves of it. Your honour therefore will be relied on for the payment of necessary council & attendance on this business; and as you desire me "to exert myself on your behalf for the preservation of this valuable interest," you may depend on my best endeavours for that purpose. I should think it adviseable for you to request your father to pay what shall be needful in this business, or allow of bills to be drawn on you therefor, if necessary, about which in your next letter you'll please to be as clear and decisive as may be. I should with pleasure advance money for you on this occasion, but the many calls I have for it, & the difficulty of collecting it in these times, put it out of my power. You are not to place any dependance on such an expence being defrayed out of the said estate in case of forfeiture, to prevent w<sup>ch</sup> it is to be applied; & in the meanwhile no part of the income can be applied in that way, nor in any other different from what the agent is by law directed to apply it. The estate is at present as much out of the power of your attorneys here as any estate in Japan, & will remain so till the libels be dismissed, or till the General Court by some act of theirs allow the will to operate, w<sup>ch</sup> I will do my endeavour to have effected. If judgment be recovered against the estate, I apprehend that no debts will be payable out of it, but such as are due from Col<sup>o</sup> Royall, though we would endeavour that all yours should be paid out of it.

We are extreamly sorry you are disappointed in your expectation of an heir to that estate, but hope you will

soon have one, and sincerely rejoice with you in your dear partner's restoration from her late dangerous state. Your nephew, Dr Shirley Erving, takes the charge of this letter. It gives me pleasure to tell you he has made considerable proficience in his profession, that he is a sensible, worthy young gentleman & an amiable character. The great number of that profession here makes it difficult to get into business of a sudden, w<sup>ch</sup> has occasioned him to visite his friends on your side the water for a few months. I wish he could meet with encouragement equal to his merit, & if it should be in your way to put him forward, I dare say it would give you pleasure to do it. Your neice, Miss Sally Waldo, is going to be very agreeably connected with Mr Wetmore, of Salem, a sensible man & a good lawyer. I shall engage him in your business in the affair of the libel against the Medford estate. Having consulted your father upon it, he much approves of the measure. This was the more necessary as Mr Lowell, whom Mr Hall has employed in this affair, is at Congress, and it is uncertain when he will return. Mrs Bowdoin and your other friends desire me to express their sincere affection & regard to you & Mrs Erving, in which they are most affectionately joined by, dear Sir,

Yours, &c.

I intended writing Mess<sup>rs</sup> Lane, Son, & Fraser by this opportunity, but from interruptions am obliged to postpone it. I shall be much oblig<sup>d</sup> to them if they will fav<sup>r</sup> me with y<sup>e</sup> present state of my acc<sup>o</sup> w<sup>th</sup> them & Mr Michael Scott. Mr Sam<sup>l</sup> Waldo has dl<sup>d</sup> me a letter for you w<sup>ch</sup> I have given to Dr Erving. July 22<sup>d</sup>.

JOHN TEMPLE TO THE PRESIDENT OF THE SENATE, ETC.\*

TO THE HONORABLE THE PRESIDENT OF THE SENATE AND TO THE  
HONORABLE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,  
COMMONWEALTH OF MASSACHUSETTS:

HONORABLE GENTLEMEN,—A direct & willful *falshood* having been advanced by a writer who signs *James Sullivan* in a letter addressed to me, in the Continental Journal of Thursday the 22<sup>d</sup> ultimo, in which he says, that in the memorial I had the honor of presenting thro' you on the 29th of April last, to the two Houses of Assembly, I have therin solemnly *avered* that I procured & transmitted to this country the wel remembered treasonable & incendiary letters of the late Gov'r Hutchinson, Oliver, & others, & that I had therein also demanded of my country a reward for that transaction! and the said Sullivan having also commented upon the same, as tho' what he had so asserted were facts! will your Honors be pleased to look into the said memorial now on the files of the General Court (a copy of which I did not reserve to myself) and signify whither or not I have therein declared that I did procure & send the said letters to this country? or that I have demanded any kind of reward or compensation for having sent them?

In the memorial I had the honor of presenting I believe your Honors will find it set forth that D<sup>r</sup> Franklin & myself were dismissed from all the employments we held under

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\* This letter is printed from a rough draught, with numerous interlineations, in ink of two colors, in Temple's handwriting and signed by him. It has no indorsement, and may not have been sent in the precise form here given.

The volume from which these selections have been made contains much additional material, both in print and in manuscript, relative to Temple's visits to America in 1778 and 1781, and to the accusations brought against him in different quarters of having been either disloyal to his sovereign or false to the land of his birth. Among other evidences filed by him to vindicate his conduct is a voluminous document consisting of Attorney-General Sullivan's Report to the Legislature, profusely annotated by Temple, whose counsel was John Lowell, afterward Judge of the District Court of the United States. See also a letter from Rev. William Gordon to Arthur Lee, dated Oct. 2, 1782, printed in the Life of Arthur Lee, vol. ii. p. 288. — Eds.

the Crown of England expressly for our attachment to the cause of our country, & particularly for having obtained & transmitted, as the Ministry were pleased to say, to the State of Massachusetts certain original letters & papers written by the late Gov<sup>r</sup> Hutchinson, Oliver, & others, which opinion of the Ministry is so notoriously known to have been the cause of our dismission that I imagine the most abandon'd to falsehood will not attempt to deny it, but my memorial is totally & designedly silent by what means the letters were obtained in England, or at whose desire they were transmitted to this country.

'Tis not yet many days since I publicly detected this same M<sup>r</sup> Sullivan in as willful & perhaps a more malicious *fulshood* when he asserted that I & my friends were *bitter enemies to D<sup>r</sup> Franklin*, who is the uniting link between France & America ; and I then took occasion to say, that "by what means the letters he had concerned himself about were obtained in England, and at whose desire they were transmitted under certain positive injunctions for the perusal of seven gentlemen only of this commonwealth, was an *important secreat* not yet lowered down to the level of M<sup>r</sup> Sullivan's rank & consideration." These words I again repeat, and I also reassert that "when the time comes for unfolding this secret which hath excited the curiosity of perhaps more than half Europe, the employers of said Sullivan, their partizan, will appear in BLACK. I assert this from personal knowledge, because D<sup>r</sup> Franklin acquainted me with every step he took in that memorable transaction. He shewed me every line he wrote & every line written to him upon the occasion, and commented upon the contents of one of the letters written to him, palliating the violation of his injunction, with more asperity than I ever before knew him to discover. His correspondents were the Rev<sup>d</sup> D<sup>r</sup> Cooper of Boston, & Thos Cushing, Esqr, then Speaker of the House of R. One or two of their original letters upon the business I have

among my papers in Europe, which by mere accident of inattention or forgetfullness was left in my hands by Dr Franklin. I am very sensible, honorable gentlemen, that the request I have now made will be giving you some little trouble, but that manly desire of supporting truth, & of detecting falsehood wheresoever it shall be found, which must be prevalent in your minds will powerfully & abundantly plead my excuse. I am, honorable gentlemen, with all deference & respect,

Your most obedient and most humble servant.

BOSTON, 1 Sept., 1782.

J. TEMPLE.

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SAMUEL DEXTER\* TO JOHN TEMPLE.

DEDHAM, Wednesday morning. [Sept., 1782.]

DEAR SIR.—I am sorry it so happened that your letter of Saturday last did not come to hand till late last evening.

The Massachusetts Congress, as it was called, when sitting at Watertown, in 1775, committed all the letters & other papers found in Gov<sup>r</sup> Hutchinson's house at Milton to my keeping, with a desire that I would publish from time to time such as I tho't might be of service to the public, either in newspapers or in pamphlets, with such remarks & illustrations by way of marginal notes as should occur to me, if I thought proper. They were for a while in the hands of Dr Gordon, but they were lodged with

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\* Samuel Dexter, an eminent merchant of Boston, was a son of Rev. Samuel Dexter, of Dedham, where he was born March 16, 1726. At his death, which occurred at Mendon, June 10, 1810, he left a bequest to Harvard College on which was afterward founded the Dexter Lectureship on Biblical Criticism, now united with the Hancock Professorship of Hebrew. From 1768 to the breaking out of the Revolution he was a member of the Council of Massachusetts, which office he again filled for a short time after the subversion of the British authority. He was an active and sagacious leader on the popular side, and a man of marked ability. See Appleton's Cyclopaedia of American Biography, vol. ii. p. 161; N. E. Hist. and Gen. Reg., vol. viii. p. 249; Quincy's Hist. of Harvard University, vol. ii. pp. 296-298; and also a letter from Mr. Dexter to James Bowdoin, dated Jan. 26, 1779, in Proceedings, vol. vi. pp. 359-361. —Eds.

him only for a time, and by myself, and not by any public order. After government was resumed, the legislative body of Massachusetts, on a report of a committee of both Houses, of which Mr John Adams was chairman, renewed the commitment of said letters & papers to me, to be carefully preserved, as containing valuable documents for future history. These things are matters of record, and the last transaction printed in the Journals of the House of Representatives. It is probable that those that constituted the Congress at Watertown, and the General Court afterwards, will on seeing the publication in Gill's paper recollect that the papers were committed to me, as a sacred depositum, and will consequently consider me as the writer, altho' my proper signature is wanting. Nor have I the least desire to be unknown, and am therefore freely willing the printer should be instructed to inform every one who may inquire that the paper came from me. I am equally willing, Sir, that you should as introductory to it in the paper, or at foot, mention its having been handed to you by me, either by mentioning my name, or my description as keeper of the letters & other papers. My only motive is to render you some service, if in my power, under the ungenerous and even cruel treatment you have met with, which has equally excited my grief and indignation. And my only objection to signing my name before I sent the paper to Mr Bowdoin was on account of the pointed expressions contained in it against a certain quondam Judge who — tho' I detest for his malicious invectives against you and my old friend Mr Adams some time ago, yet I greatly despise as a *writer*, and would by no means be thought to court an attack from him. At the same time I am willing that he and every body else should know that I sent the paper to the press. I read all the papers except Saturday's Evening Post. That I seldom meet with, unless in Boston, and have not yet seen what you refer to, under the signatures

of the two gentlemen you mention. After all, if Mr Bowdoin still joins with yourself in opinion that my signature will be of any service, which the knowledge of my being the writer without it would not, I shall not find the least fault if it should appear. But whether it should or not, I am desirous that these words in the introduction to the extracts, vitz., — *and as it has a malicious appearance to insinuate to the contrary* — should be changed for the following, vitz., — *but as it has been maliciously insinuated to the contrary.*\* As the bearer waits I cannot add save, that I am with much regard, dr<sup>r</sup> S<sup>r</sup>,

Y<sup>r</sup> most obedient serv<sup>t</sup>.

SAMUEL DEXTER.

I fear I am too late with this l<sup>r</sup>. My best regards to Mr B.

HON M<sup>r</sup> TEMPLE.

JOHN TRUMBULL† TO JOHN TEMPLE.

BOSTON, 27<sup>th</sup> September, 1782.

SIR, — Having just now learnt that Mr Sullivan has this day requested to be heard before the Hon<sup>ble</sup> House of Representatives in accusation of you as a man dangerous to the community, I cannot feel myself at ease in leaving town untill I have given you in writing the sentiments which I gave the Hon<sup>ble</sup> Com<sup>tee</sup> of both Houses when examin'd before them in May last.

\* The "Continental Journal" of Sept. 26, 1782, contains the communication to which Mr. Dexter's letter refers. It is signed "Y," and comprises several extracts relating to Mr. Temple from Gov. Hutchinson's Letter Book; and at the foot is a note as follows: "The above extracts from Gov. Hutchinson's letter-book are from the honorable gentleman to whom the custody of said letter-book was committed by the General Court in 1775." "The quondam Judge" was James Sullivan. In the "Boston Evening Post" of Sept. 21, 1782, are a letter from James Bowdoin to Samuel Adams and one from Charles Chauncy to John Temple — both relating to Mr. Temple — which are probably the letters Mr. Dexter had "not yet seen." — EDS.

† Colonel John Trumbull, better known as an artist, was born in Lebanon, Conn., June 6, 1756, graduated at Harvard College in 1773, and died in the city of New York Nov. 10, 1843. His autobiography contains numerous allusions to his friend Temple. See Appleton's Cyclopædia of American Biography, vol. vi. pp. 168, 169. — EDS.

I declar'd to them, what I now repeat, that your friends (while I had the honor of being acquainted with you in London) I knew to be the most avow'd & most respectable friends of America, — such as the Dukes of Richmond & Rutland, M<sup>r</sup> Burke, Doct<sup>r</sup> Price, M<sup>r</sup> D. Hartley, Counselor Lee, &c., names which have been eminent in the present contest, uniform in their friendship for this country, & whose favorable sentiments have been much strengthened by the information they deriv'd from their intercourse with you.

I was ask'd by the Hon<sup>ble</sup> Committee, in what light you appear'd to be regarded by the ministerial party. I declar'd to them, — as a man odious & suspected ; as a friend to this country, and an effectual enemy to their measures ; and I further mention'd, what I think it my duty to repeat, that both parties, so far as I knew their opinions, regarded you as a man acting under the confidential instructions of your country, & intended by them for their resident in the most honorable character on the conclusion of a peace.

The mode in which your examination as a *dangerous man* has been hitherto conducted appears to me somewhat singular. I congratulate you that it is at length brought to such a stage as affords a prospect of the fullest investigation, for I am convinc'd that nothing else is wanting to give you that high place in the esteem of your country which your services & sufferings have merited. I have the honor to be, with sentiments of gratitude & esteem, Sir,

Your real friend & servant.

JOHN TRUMBULL.

P. S. You are at liberty to make such use of this letter as you please. I doubt n[ot] it will be equally regarded as my affi[davit] & am ready, if any man question its validity to make oath to it.

HON<sup>O</sup> JOHN TEMPLE, ESQUIRE.

JAMES BOWDOIN TO SIR WILLIAM PEPPERELL.\*

BOSTON, Nov<sup>r</sup> 12, 1782.

SIR,—I had y<sup>e</sup> honour of your letters of y<sup>e</sup> 1<sup>st</sup> Feby & 30<sup>th</sup> April last, with a copy of our late friend, Col<sup>o</sup> Royal's, will accompanying y<sup>e</sup> former & an authenticated copy y<sup>e</sup> latter. I observe by it he has appointed me one of his ex<sup>rs</sup> for his estate in this country, and you request my acceptance of that trust. It is immaterial under y<sup>e</sup> present circumstances of things who are y<sup>e</sup> ex<sup>rs</sup>, as the will in consequence of y<sup>e</sup> laws relative to absentees & their estates can have no operation. There has been a libel exhibited & for some time depending in y<sup>e</sup> inf<sup>r</sup> court for y<sup>e</sup> County of Middlesex against y<sup>e</sup> estate in that county, but M<sup>r</sup> Willis Hall, of Medford, (who has consulted me on matters concerning that estate & had a power of attorney from Col<sup>o</sup> Royall) with y<sup>e</sup> assistance of a lawyer, has procured y<sup>e</sup> trial to be postponed from time to time, and no trial has yet been had. M<sup>r</sup> Hall and I, who were both included in y<sup>e</sup> Colonel's last power, some time ago in a petition to y<sup>e</sup> G<sup>l</sup> Court gave a just acc<sup>o</sup> of his character, and prayed that liberty might be granted for his return & that y<sup>e</sup> s<sup>d</sup> libel might be dismissed. The pet<sup>n</sup> was rec<sup>d</sup> & ord<sup>d</sup> to lie for consideration, and repeatedly operated as a reason for postponing y<sup>e</sup> trial, and since y<sup>e</sup> Colonel's death another petition has been prepared, and will be offered when necessary, in order to produce y<sup>e</sup> like effect. M<sup>r</sup> Hall has acted very judiciously in the Colonel's affairs, and as he is in advance on that account

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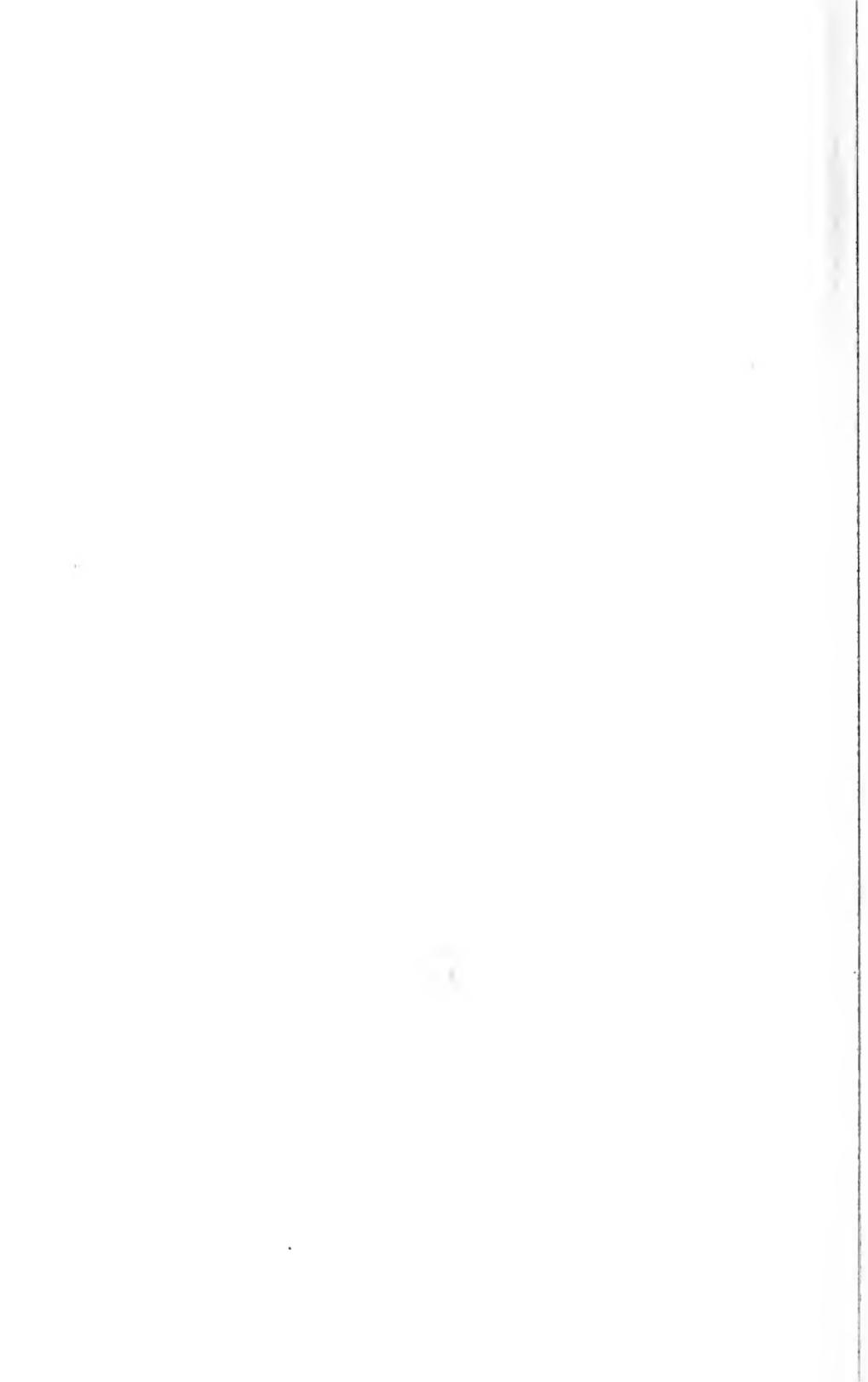
\* Grandson of the first Sir William Pepperell. His original surname was Sparhawk, but by his grandfather's will he was required to procure an act of the Legislature authorizing him to drop the name of Sparhawk and assume that of Pepperell, which he did on coming of age. He was born in Kittery, Nov. 21, 1746, and graduated at Harvard College in 1766. In 1774 he was made a Mandamus Councillor, and thereby incurred the bitter animosity of his neighbors. In the following year he went to England, and in 1778 was proscribed and banished. He filled a prominent place among the Refugees, and continued in England until his death in 1816. His wife, a daughter of Col. Isaac Royall, died on the voyage to England in 1775. See Sabine's American Loyalists, vol. ii. pp. 168-176. — Eds.

depends on his heirs for a reimbursement. I have at several times given Mr G. Erving a particular acc<sup>o</sup> of those affairs, so far as I have had any knowledge of them ; and I beg leave to refer you to him for further information. In y<sup>e</sup> mean while I will continue to assist Mr Hall in y<sup>e</sup> best manner in my power. Mrs Borland,\* who sent me from New London your last letter with y<sup>e</sup> copy of y<sup>e</sup> will w<sup>ch</sup> came to hand three days ago, intends, as I understand, to petition y<sup>e</sup> G<sup>t</sup> C<sup>t</sup> for liberty to return hither ; but from y<sup>e</sup> failure of a like petition from Mr Brattle repeatedly urged, I fear it will be to no purpose. Most sincerely joining with you in ardent wishes for a peace and y<sup>e</sup> restoration of friends to friends, I am, with great respect, S<sup>r</sup>,

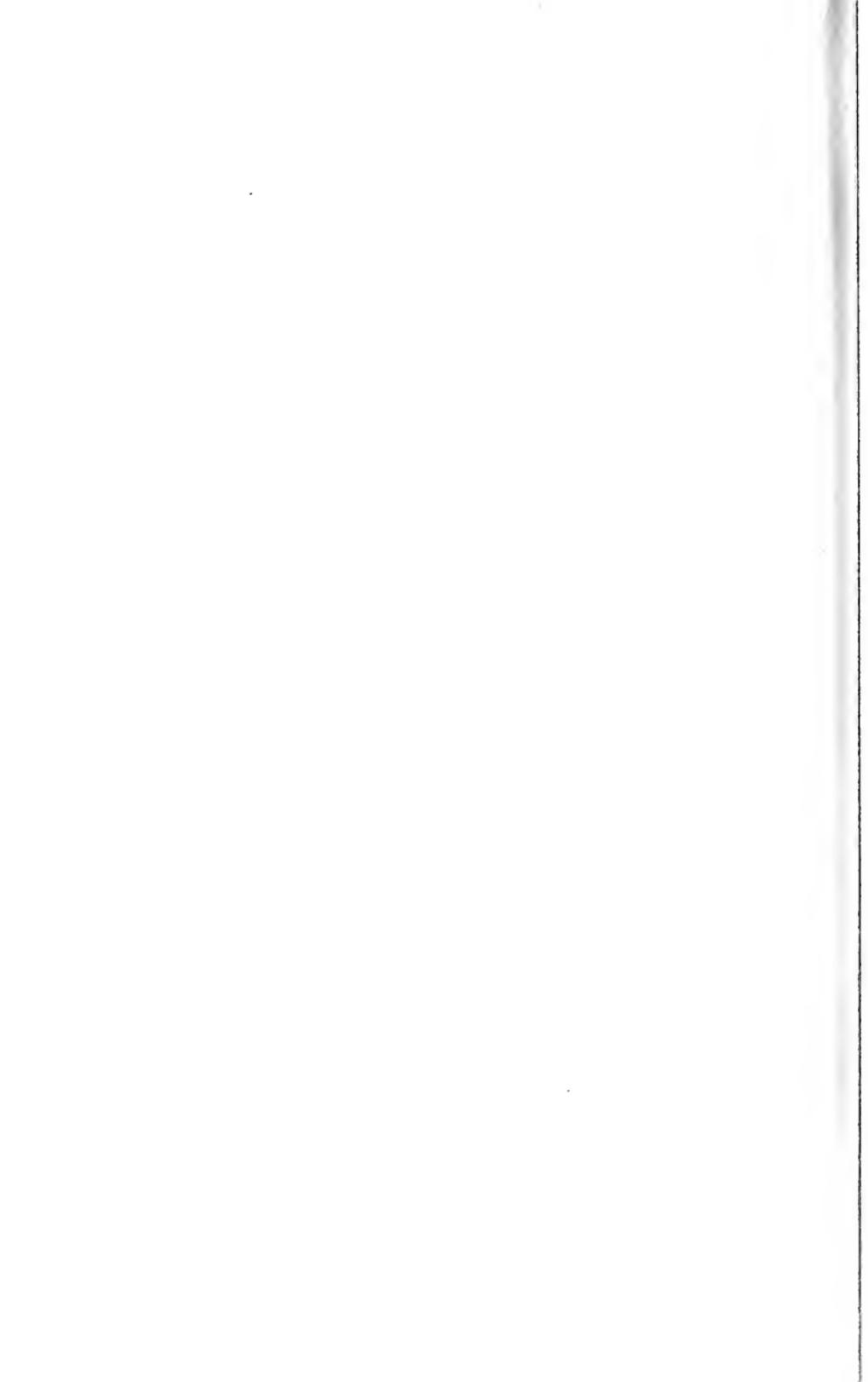
Yrs.

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\* Anna Vassall, widow of John Borland, of Boston; afterward wife of William Knight, of Portsmouth, N. H. — EDS.



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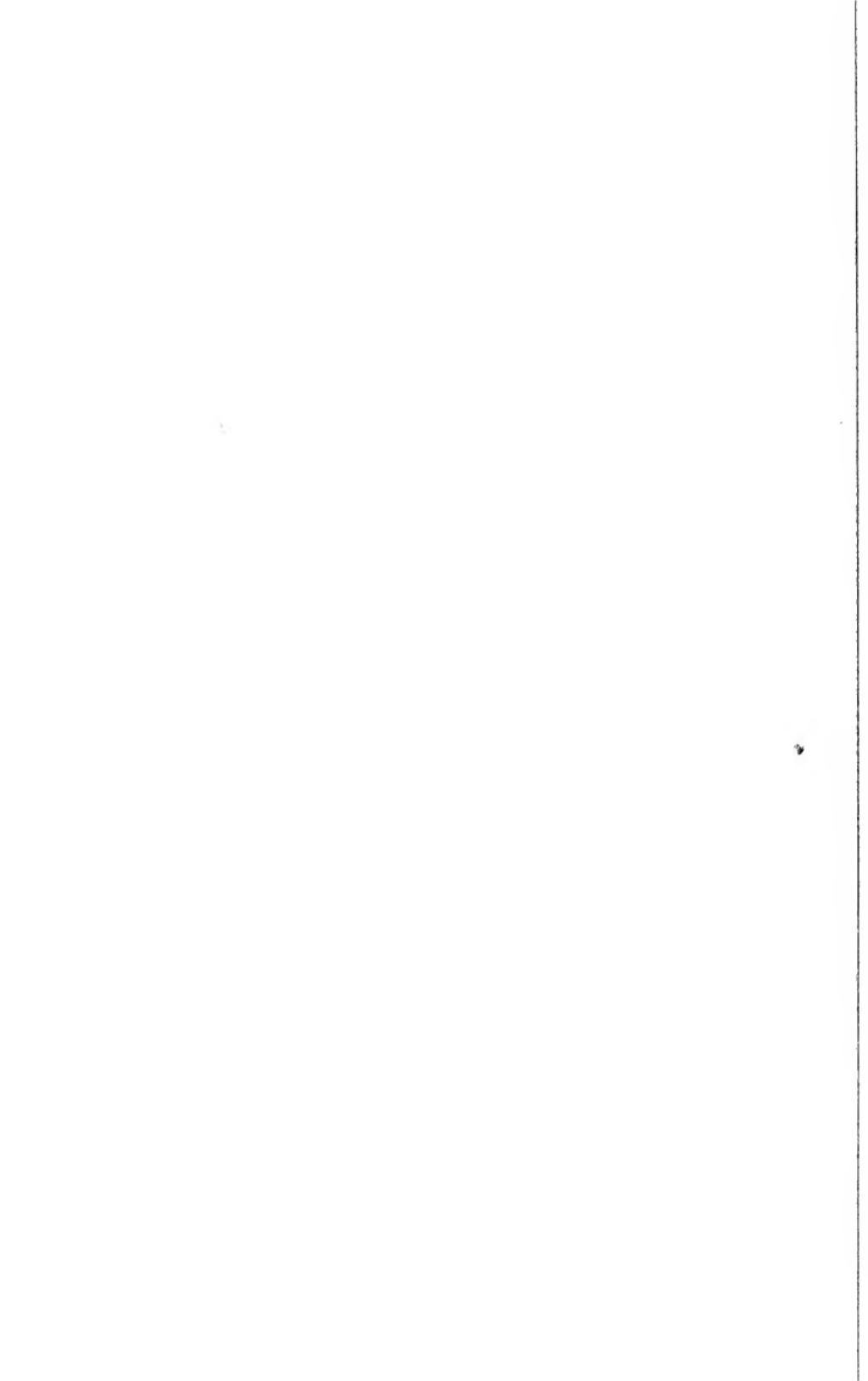
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